

FEDERAL REGISTER

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Regulations

TITLE 6—AGRICULTURAL CREDIT Chapter I—Farm Credit Administration [FCA 370]

PART 28—THE FEDERAL LAND BANK OF OMAHA

FEES REQUIRED OF BORROWERS

Section 28.1 of Title 6, Code of Federal Regulations as amended, is amended to read as follows:

§ 28.1 *Application fees*—(a) *New loans, nonresident fee.* \$7.50 fee will be required with applications submitted by nonresidents of the district. Such fee will be refunded to the applicant if a nonresident personal investigation is not made.

(b) *Division of loans.* An appraisal fee of \$5 should accompany each application for the division of an existing loan.

(c) *Substitution of security.* An appraisal fee of \$10 will be charged on each application where it is found necessary to have an inspection by a land bank appraiser.

(Sec. 13 "Ninth", 39 Stat. 372, secs. 32, 33, 48 Stat. 48, 49, as amended; 12 U.S.C. 781 "Ninth", 1016 (e), 1017, and Sup.; 6 CFR, Cum. Supp., 19.322, 19.330, 19.331, 19.333, 19.334, 19.335; 8 F.R. 10595, 10596; 10597) (Res. Bd. Dir., September 22, 1943, 8 F.R. 14783, 14785; Res. Bd. Dir., August 22, 1944)

Section 28.3 of Title 6, Code of Federal Regulations, as amended, is amended to read as follows:

§ 28.3 *Partial releases and easements.* Appraisal fees will be based on the necessity of an inspection by a land bank appraiser. Where an inspection is not required, no fees will be charged. Where a field appraisal is necessary, the charge will be \$10. (Note: Appraisal fees should not be submitted with the application. The fee will be deducted from the consideration or may be collected by the secretary-treasurer and forwarded to the bank before delivering the instrument.)

(Sec. 13 "Ninth", 39 Stat. 372, secs. 28, 32, 48 Stat. 44, 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e); and 6 CFR, Cum. Supp., 19.326, 19.339, 8 F.R.

10595, 10597). (Res. Bd. Dir., August 22, 1944)

[SEAL] THE FEDERAL LAND BANK
OF OMAHA,
By E. N. VAN HORNE,
President.

Confirmed:
WAYNE E. SMITH,
Secretary.

[F. R. Doc. 44-14266; Filed, Sept. 15, 1944;
9:32 a. m.]

TITLE 7—AGRICULTURE Chapter XI—War Food Administration (Distribution Orders)

[WFO 82, Amdt. 3]

PART 1405—FRUITS AND VEGETABLES WALNUTS

War Food Order No. 82, as amended (8 F.R. 13283; 16643; 9 F.R. 4321, 4319), is further amended as follows:

1. By deleting the provisions of § 1405.27 (a) (10) and inserting, in lieu thereof, the following:

(10) The term "orchard-run walnuts" means unshelled walnuts which have been properly hulled and dried and which have not been graded for quality or size. For the purpose of this order, any given lot of orchard-run walnuts shall be of similar condition and composition to walnuts customarily delivered from the harvest by farm producers, without blending, adulteration or dilution with any walnuts of inferior quality.

2. By deleting § 1405.27 (b) (2) and inserting, in lieu thereof, the following:

(2) *Walnuts required to be set aside.* No person shall ship after 12:01 a. m., p. v. t., September 15, 1944, unshelled walnuts unless, prior to the shipment thereof, he shall have set aside a quantity of merchantable walnuts equal at least to 20 percent, by weight, of each shipment of merchantable walnuts made by him: *Provided*, That this provision shall not apply to shipments of walnuts for which a quantity of walnuts has already been

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NOTICE

The Cumulative Supplement to the Code of Federal Regulations, covering the period from June 2, 1938, through June 1, 1943, may be obtained from the Superintendent of Documents, Government Printing Office, at \$3.00 per unit. The following are now available:

- Book 1: Titles 1-3 (Presidential documents) with tables and index.
- Book 2: Titles 4-9, with index.
- Book 3: Titles 10-17, with index.
- Book 4: Titles 18-25, with index.
- Book 5, Part 1: Title 26, Parts 2-178.
- Book 5, Part 2: Title 26, completed; Title 27; with index.
- Book 6: Titles 28-32, with index.

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set aside by a previous shipper in accordance with the provisions hereof.

3. By deleting § 1405.27 (d) and inserting, in lieu thereof, the following:

(d) *Assessments.* Each person who ships merchantable walnuts shall pay to the program committee on demand made by the program manager, from time to time, the sum of 0.07 cents for each pound of merchantable walnuts shipped by such person after the effective time hereof. Any money collected as assessments during any crop year and not expended in connection with the respective crop year's program hereunder may be used and shall be refunded by the program manager in accordance with the provisions hereof. The aforesaid surplus fund may be used by the program manager during the 90 days subsequent to such crop year in paying the necessary expenses of the program manager incurred in connection with the new crop year. The program manager shall, however, from funds on hand, including assessments collected during the new crop year, distribute or make available, within 120 days after the beginning of the new crop year, the aforesaid surplus to each person from whom an assessment was collected in said previous crop year; and

such distribution shall be made to each person from whom an assessment was collected, as aforesaid, in the proportion that the amount of the assessment paid by the respective person bears to the total amount of the assessments paid by all persons during the said crop year. Any money so collected and remaining in the possession of the program committee upon the termination of this order shall be distributed in such manner as the Director may order.

This order shall become effective at 12:01 a. m., p. w. t., September 15, 1944. With respect to violation, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 82, as amended, prior to the effective time of the provisions hereof, the provisions of said War Food Order No. 82, as amended, in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 14th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-14258; Filed, Sept. 14, 1944; 3:14 p. m.]

[WFO 4-4, as Amended, Termination]

PART 1450—TOBACCO

1943 CROP FIRE-CURED AND DARK AIR-CURED TOBACCO

War Food Order No. 4-4, issued by the Acting Director of Food Distribution, War Food Administration, on November 27, 1943, as amended, 9 F.R. 4319 (formerly designated as Director Food Distribution Order No. 4-4, as amended, 8 F.R. 16098, 16828) placing restrictions on 1943 crop fire-cured and dark air-cured tobacco is hereby terminated.

With respect to violations of said War Food Order No. 4-4, as amended, rights accrued, liabilities incurred, or appeals taken under said order, as amended, prior to the termination thereof, said War Food Order No. 4-4, as amended, shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; WFO 4, as amended, 8 F.R. 335, 11331, 9 F.R. 4319)

Issued this 13th day of September 1944.

LEE MARSHALL,
Director of Distribution.

[F. R. Doc. 44-14242; Filed, Sept. 14, 1944; 1:03 p. m.]

[WFO 114]

PART 1480—ELEVATION FACILITIES

RESTRICTIONS ON USE OF ELEVATION FACILITIES FOR UNLOADING GRAIN FROM VESSELS

The fulfillment of requirements for the defense of the United States will result in a shortage of facilities for the elevation of grain from vessels for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1480.1 *Restrictions on the use of elevation facilities for unloading grain from vessels*—(a) *Definitions*. (1) "Elevation" and "elevate" mean unloading from a vessel.

(2) "Person" means any individual partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not, and any Federal, State or local governmental agency.

(3) "Director" means Director of Transportation, War Food Administration, Washington 25, D. C.

(b) *Restrictions*. No person shall elevate or offer for elevation any grain at any point or port in the United States on the Great Lakes, and connecting waters, or the St. Lawrence River, unless a permit for elevation of such grain has been obtained from the Director, or a representative of the United States Department of Agriculture, designated by him.

(c) *Application for and issuance of permits*. (1) Application for permits for elevation of grain required under (b) hereof, shall be made to the Director, or representatives designated by him, in writing, stating the place of loading, kind or type of grain, quantity, the place where elevation is to take place, the approximate date the grain will be offered for elevation, and the approximate length of time it is proposed to store the grain at the point of elevation.

(2) A permit shall be issued upon an application made pursuant to (c) (1), if the Director or his designated representatives determine that there will be available adequate elevation facilities at the time and place set forth in the application and that the grain is needed for essential uses or the elevation of the grain will not interfere with the elevation and storage of grains needed for essential uses; *Provided*, That, such permit may be issued under such conditions as it may be determined are necessary to prevent interference with the elevation, storage, and distribution of grains needed for essential uses, including a limitation on the length of time such grain may be stored at the place of elevation.

(d) *Records and reports*. (1) The Director shall be entitled to obtain such information from, and require such reports and the keeping of such records by, any person, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(e) *Audits and inspections*. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of grain of any person, and to make such investigations, as may be necessary or appropriate, in the Director's discretion, to the enforcement or administration of the provisions of this order.

(f) *Contracts*. The restrictions of this order shall be observed without regard to contracts heretofore or hereafter entered into, or any rights accrued or payments made thereunder.

(g) *Petition for relief from hardship*. Any person affected by this order who considers that compliance herewith would work an exceptional or unreasonable hardship on him may file a petition for relief with the Order Administrator. Such petition shall be addressed to Order Administrator, War Food Order No. 114, Office of Transportation, War Food Administration, Washington 25, D. C. Petitions for such relief shall be in writing and shall set forth all pertinent facts and the nature of the relief sought. The Order Administrator may take any action with reference to such petition which is consistent with the authority delegated to him by the Director. If the petitioner is dissatisfied with the action taken by the Order Administrator on the petition, he shall obtain, by requesting the Order Administrator therefor, a review of such action by the Director. The Director may, after said review, take such action as he deems appropriate, and such action shall be final. The provisions of this paragraph (g) shall not be construed to deprive the Director of authority to consider originally any petition for relief from hardship submitted in accordance herewith. The Director may consider any such petition and take such action with reference thereto that he deems appropriate, and such action shall be final.

(h) *Violations*. Any person who violates any provision of this order may, in accordance with the applicable procedure, be prohibited from using any elevation facilities. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(i) *Delegation of authority*. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director is authorized to redelegate to any employee of the United States Department of Agriculture any or all of the authority vested in him by this order; and one such employee shall be designated by the Director to serve as Order Administrator.

(j) *Communications*. All reports required to be filed hereunder and all

communications concerning this order shall, unless otherwise provided herein or in instructions issued by the Director, be addressed to the Order Administrator, War Food Order No. 114, Office of Transportation, War Food Administration, Washington 25, D. C.

(k) *Effective date*. This order shall become effective at 12:01 a. m., e. w. t., September 18, 1944.

NOTE: All reporting and record-keeping requirements of this order have been approved by, and subsequent reporting and record-keeping requirements will be subject to the approval of, Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(E.O. 9280, 7 FR. 10179; E.O. 9322, 8 FR. 3807; E.O. 9334, 8 FR. 5423; E.O. 9392, 8 FR. 14783)

Issued this 14th day of September 1944.

MARTIN JONES,
War Food Administrator.

[F. R. Doc. 44-14273; Filed, Sept. 15, 1944; 11:07 a. m.]

CHESTER L. FINCH

DELEGATION OF AUTHORITY WITH RESPECT TO COTTON

Pursuant to the authority vested in the War Food Administrator, Chester L. Finch, Cotton and Fiber Branch, Office of Distribution, War Food Administration, is hereby authorized, during the fiscal year ending June 30, 1945, to administer oaths and affirmations, take affidavits, examine witnesses, and call for the production of books and papers in connection with the performance of the duties required of him in the enforcement or administration of any of the following:

(1) The United States Cotton Futures Act (26 U.S.C. 1940 ed. 1920-35), and the regulations (7 CFR, Cum. Supp., 27.1 et seq. and 8 FR. 10702) issued thereunder; and

(2) The regulations (7 CFR, Cum. Supp., 61.1 et seq.) issued under the authority contained in the so-called Farm Products Inspection Act (last set forth in Pub. L. No. 367, 78th Cong., 2d Sess.), governing the inspection, sampling, and certification of cottonseed sold or offered for sale for crushing purposes.

And the said Chester L. Finch is further authorized, during the said period, to administer to or to take from any person an oath, affirmation, or affidavit whenever such oath, affirmation, or affidavit is for use in connection with the performance of duties required of him with respect to any prosecution or proceeding under, or in the enforcement of, the United States Cotton Standards Act (7 U. S. C. 1940 ed. 51-65), and the regulations (7 CFR, Cum. Supp., 28.1 et seq.) issued thereunder.

Any exercise of the foregoing authority by the said Chester L. Finch during the portion of the fiscal year ending June 30, 1945, prior to the time of the issuance of

this authorization is hereby ratified and confirmed.

(46 Stat. 267; 5 U.S.C. 1940 ed. 521; E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783)

Issued this 14th day of September 1944.

ASHLEY SELLERS,
Assistant War Food Administrator.

[F. R. Doc. 44-14281; Filed, Sept. 15, 1944;
11:07 a. m.]

TITLE 29—LABOR

Chapter VI—National War Labor Board

PART 802—RULES OF PROCEDURE

ENFORCEMENT DIVISIONS AND PANELS

The rules of procedure relative to cases of possible violation of the Wage and Salary Stabilization Program, as adopted by the National War Labor Board on July 30, 1943, are hereby amended in their entirety to read as follows:

- Sec.
802.70 Composition of Enforcement Divisions and Panels.
802.71 Jurisdiction of Enforcement Divisions.
802.72 Notice and conduct of hearing.
802.73 Findings and recommendations of Enforcement Division.
802.74 Appeal to the National War Labor Board.
802.75 Transmittal of findings to appropriate government agencies.

AUTHORITY: E.O. 9250, Oct. 3, 1942, 7 F.R. 7871; as amended by E.O. 9381, Sept. 25, 1943, 8 F.R. 13083; E.O. 9328, Apr. 8, 1943, 8 F.R. 4681; Regulations of Economic Stabilization Director, Oct. 27, 1942, 7 F.R. 8748, 8 F.R. 6489, 6490, 11960, 12139, 12238, 16702; Inflation Control Act of 1942, Act of October 2, 1942, C. 578, 56 Stat. 765, Pub. Law 729, 77th Cong.

§ 802.70 *Composition of Enforcement Divisions and Panels.* (a) Cases arising in any War Labor Board region involving alleged contravention of the Stabilization Act of 1942, as amended (56 Stat. 765) and the orders and regulations promulgated thereunder (hereinafter referred to as the "Act") shall be dealt with by an Enforcement Division designated by each Regional War Labor Board.¹ Each Regional Enforcement Division shall be tri-partite in character, and shall be composed of one or more representatives each of Labor, Industry, and the Public. A representative of the Public shall be designated as Chairman of each Enforcement Division. Each Regional War Labor Board may appoint as members of the Enforcement Division such number of representatives of Industry, Labor, and the Public as it sees fit: *Provided*, That in any particular case of alleged contravention of the act, any hearing shall be held before, and findings

and recommendations made by, not less than three nor more than six members of the Enforcement Division consisting of equal representation of Labor, Industry and the Public, with a public member acting as Chairman. Such members shall constitute the Enforcement Division for purposes of such case.

(b) An Enforcement Division may from time to time appoint ad hoc Panels of tri-partite composition, consisting of non-members of the Enforcement Division, to hear any specified case or cases involving alleged contravention of the act. Any such Panel shall, after hearing a case, make its proposed findings and recommendations which shall be reviewed by the Enforcement Division, as provided in § 802.73.

§ 802.71 *Jurisdiction of Enforcement Divisions.* (a) In any case involving alleged contravention of the act by any employer, an Enforcement Division shall have authority, by majority vote, to make findings as to all pertinent facts and, if it finds that there has been a contravention of the Act by the employer, to recommend whether, in the light of all the circumstances in the case, any portion or all of the sanctions prescribed by the act shall be withheld. Unless such recommendation in any case provides for a withholding of all the sanctions prescribed by the act, or unless the employer waives a hearing or consents to the making of a recommendation, by the Enforcement Division, the recommendation shall be made only after a hearing, as prescribed by this procedure.

(b) Action of an Enforcement Division in any case of alleged contravention of the act, as evidenced by its findings and recommendations, shall be final, subject to appeal to the National War Labor Board as provided in § 802.74. Each Enforcement Division, however, shall be subject to general policy directives of the Regional War Labor Board and shall report to the Regional War Labor Board from time to time on its activities.

(c) If the situation requires such action, any party may be called upon to show cause before the Enforcement Division, within such time as is deemed proper by the Enforcement Division, why he should not refrain from making or receiving payment of wages at rates reported to be in contravention of the act, pending a hearing and decision by the Enforcement Division.

§ 802.72 *Notice and conduct of hearing.* (a) In any case where the Regional Attorney believes that an employer has made wage or salary payments in contravention of the act and that a hearing should be held in the matter, he shall report such case to the Enforcement Division. The Enforcement Division, after consideration of the allegation, may direct that the employer with respect to whom the allegation is made be notified to appear at a hearing before the Enforcement Division or before a Panel designated by it.

(b) Not less than ten days' written notice of a hearing shall be served personally or by registered mail upon the employer. Such notice shall contain (1)

a concise statement of the nature of the alleged contravention of the act; (2) a statement advising the employer that at the hearing he may be represented by counsel and will be given full opportunity to present written or oral testimony and to examine and cross-examine witnesses on all matters relating to the allegations.

(c) If any party to a proceeding appears by attorney, notice of that fact shall be filed with the Enforcement Division and thereafter all papers shall be served upon him.

(d) For good cause shown, any hearing may be adjourned from time to time by the Enforcement Division or Panel.

(e) An employer may, at his own expense, provide for the making of a stenographic transcript of proceedings, in which case copies thereof shall be furnished without cost to the Enforcement Division or Panel and at the regular cost per copy to other persons.

(f) Evidence in support of the allegation shall be presented by the Regional Attorney. Opportunity shall be given to the employer or his counsel to present all relevant evidence and argument, written or oral.

§ 802.73 *Findings and recommendations of Enforcement Division.* (a) If a hearing is before a tri-partite Panel, the Panel shall, after the conclusion of the hearing, make proposed findings and recommendations which shall be mailed to the employer or his attorney and filed with the Enforcement Division. Within 14 days after mailing of the proposed findings (unless such time is extended by the Enforcement Division), the employer and the Regional Attorney may exchange and submit to the Enforcement Division written comments or objections to the proposed findings. At the expiration of such 14 days, the Enforcement Division shall, unless it directs a rehearing, make its final findings and recommendations in the case.

(b) If a hearing is before the Enforcement Division, the latter shall, after conclusion of the hearing, make its findings and recommendations in the case.

(c) The findings and recommendation of the Enforcement Division shall be in writing, showing the names of the members of the Division participating in such decision. If the Enforcement Division finds that the allegation of contravention of the act has been established by a preponderance of the evidence, it shall, in appropriate cases, also make findings as to the existence of any extenuating circumstances in connection therewith, and shall recommend whether there shall be withheld by the Executive Departments and other governmental agencies all or any portion of the sanctions prescribed by the act. Any dissent from the majority decision of the Enforcement Division shall be recorded on the findings and recommendation.

(d) The findings and recommendation shall be forwarded to the National War Labor Board, and a copy thereof shall be served, by registered mail on the employer or upon his attorney.

¹ Wherever in this procedure the term Enforcement Division is used, it shall also include the West Coast Lumber Commission and the Tool & Die Commission, or any agency especially designated by the National War Labor Board with jurisdiction over enforcement cases.

§ 802.74 *Appeal to the National War Labor Board.* (a) The findings and recommendation of an Enforcement Division shall be final, subject, however, to the right of the employer or the Regional Attorney, to appeal to the National War Labor Board for a review of the findings and recommendation. Such appeal shall be taken within 14 days from the date of receipt by the employer of the findings and recommendation. If the employer appeals he shall, within such 14 days, mail an original and five copies of a petition for review, including any supporting memorandum of law, to the Regional Attorney. If the Regional Attorney appeals he shall, within such 14 days, file the petition for review and four copies, including any supporting memorandum, with the Enforcement Division and mail a copy thereof to the employer or his attorney. If timely request is made to the Enforcement Division within such 14 days, the time for filing a petition for review may be extended by the Enforcement Division or agreement for such extension may be made by the Regional Attorney and the employer or his attorney.

(b) Any petition for review shall set forth concisely the respects in which it is claimed the findings were erroneous and shall state in detail the particular ground of objection to the findings or recommendation making specific reference to those portions of the record upon which reliance is placed.

(c) Either the employer or the Regional Attorney may, within 14 days from the date of mailing of a petition for review, make a reply thereto. Such reply shall be mailed and filed in the same manner and subject to the same conditions as are prescribed in paragraph (a) above for the petition for review.

(d) Upon receipt of all appeal papers filed in any case, the Enforcement Division shall cause to be sent to the National War Labor Board the entire file of the case.

(e) If no timely petition for review is filed and if the National War Labor Board does not review on its own motion, the findings and recommendation of the Enforcement Division shall, on the day following the last day for filing a petition for review, stand confirmed as the findings and recommendation of the National War Labor Board.

(f) Upon consideration of a petition for review, the National War Labor Board will render its decision upon the entire record of the case. In special cases, upon request duly made in the petition for review and upon good cause shown, the National War Labor Board may permit further oral or written argument or proof. In rendering its decision the National War Labor Board may affirm, reverse or modify the findings or recommendations or any part thereof or send the case back to the Enforcement Division for appropriate action.

§ 802.75 *Transmittal of findings to appropriate Government agencies.* (a) If within the 14 days stated above, a petition for review is not filed, or the time therefor extended, the National War

Labor Board will, in due course, forward the findings and recommendation in a case to the appropriate governmental agency or agencies.

(b) If a timely petition for review is filed, the National War Labor Board, after its consideration and decision will, in appropriate cases, likewise forward the findings and recommendation in the case, accompanied by its order, to the appropriate governmental agency or agencies.

FRED E. DESMOND,
Acting Executive Director.

[F. R. Doc. 44-14295; Filed, Sept. 15, 1944;
11:54 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Solid Fuels Administration for War

[SFAW Rev. Reg. 21, Amdt. 1]

PART 602—GENERAL ORDERS AND DIRECTIVES

ELIMINATION OF COKE FROM SCARCER SOLID FUELS

Because coke 1½" and smaller has recently become available in greater quantities, it is deemed advisable to amend SFAW Revised Regulation No. 21 (9 F.R. 8289, 10558) so as to eliminate such coke from the classification of scarcer kinds of solid fuels. Accordingly, SFAW Revised Regulation No. 21 is hereby amended in the following respects:

1. Section 602.411 (g) is hereby amended to read as follows:

(g) "Scarcer kinds of solid fuels" means (1) all sizes of bituminous coal, except slack, produced in District 7 or District 8, (2) packaged fuel or briquettes containing any bituminous coal produced in District 7 or District 8, and (3) all western coke except reclaimed coke, run-of-oven beehive coke, and coke which has passed through a 1½" screen opening. (For purposes of this paragraph, resultant coal 1½" x 0 and smaller produced in District 7, and resultant coal 2½" x 0 and smaller produced in District 8, shall be considered slack.)

2. Section 602.412 (b) is hereby amended to read as follows:

(b) During the period April 1, 1944 to March 31, 1945, inclusive, no equipped or unequipped retail dealer may deliver, and no consumer may receive from all sources combined, the scarcer kinds of solid fuels (as defined in § 602.411 (g)) in an amount which, when added to (1) the consumer's inventory of such solid fuels as of April 1, 1944, and (2) the tonnage of such solid fuels received by the consumer after April 1, 1944, exceeds 90 per cent of the consumer's annual requirements for solid fuels.

This amendment shall become effective on the date of issuance.

(E.O. 9332, 8 F.R. 5355; E.O. 9125, 7 F.R. 2719; WPB Directive No. 33, as amended,

9 F.R. 64; sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176)

Issued this 14th day of September 1944.

C. J. POTTER,
*Deputy Solid Fuels
Administrator for War.*

[F. R. Doc. 44-14267; Filed, Sept. 15, 1944;
9:35 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

Subchapter A—Bureau of Accounts

[1944 7th Supp. Dept. Circ. 570, Rev. April 29, 1943]

PART 226—SURETY COMPANIES

ISSUANCE OF CERTIFICATE OF AUTHORITY AS SURETY ON FEDERAL BONDS¹

SEPTEMBER 14, 1944.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved August 13, 1894, 28 Stat. 279-80, as amended by the Act of Congress approved March 23, 1910, 36 Stat. 241 (U. S. Code, title 6, secs. 6-13), as an acceptable surety on Federal bonds. An underwriting limitation of \$28,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Section of Surety Bonds, Washington, D. C.

Name of Company, Location of Principal Executive Office and State in Which Incorporated

The Summit Fidelity and Surety Company, Akron, Ohio.

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 44-14253; Filed, Sept. 15, 1944;
10:46 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[Camp Order 133]

LINCOLN PROJECT, NEBR.

DESIGNATION AS CONSCIENTIOUS OBJECTOR CAMP

Pursuant to the authority contained in the Selective Training and Service Act of 1940, as amended, I hereby order:

1. That the Lincoln Project is designated as work of national importance and shall be known as Civilian Public Service Camp No. 138. Said camp, located at Lincoln, Lancaster County, Ne-

¹ Affects tabulation in § 226.1.

braska, will be the base of operations for soil conservation work in the State of Nebraska, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and noncombatant military service and have been placed in Class IV-E, may be assigned to said camp in lieu of their induction for military service.

2. That the work to be undertaken by the men assigned to said Lincoln Project will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Office of the Assistant Director of Selective Service in charge of Camp Operations.

Issued September 11, 1944.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 44-14280; Filed, Sept. 14, 1944;
2:30 p. m.]

Chapter IX—War Production Board

Subchapter B—Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 933—COPPER

[Conservation Order M-9-c, as Amended
Aug. 31, 1944, Amdt. 1]

Section 933.4 *Conservation Order M-9-c* is hereby amended in the following respects:

1. Paragraph (i) (2) is amended to read as follows:

(2) *Applications under Priorities Regulation 25, applications for specific authorization, and appeals*—(i) *Exceptions under Priorities Regulation 25.* Except as noted below in subparagraph (iii) of this paragraph, all requests for exceptions from the restrictions in paragraph (a) on manufacture, processing, assembling or finishing of any articles on the combined list (or part of an article) must be filed under Priorities Regulation 25. Some other orders of the War Production Board contain restrictions on the use of copper products or copper base alloy products. An authorization granted under Priorities Regulation 25 will not waive the other restrictions unless the order containing them or a direc-

tion to Priorities Regulation 25, states that it will. In the absence of such a statement, it is also necessary to get relief from the restrictions of the other order in the manner provided in that order.

(ii) *Applications for specific authorization.* Where the order specifies that certain things may not be done unless the specific authorization of the War Production Board is obtained, applications for authorization should be made by letter in duplicate to the Copper Division in Washington.

(iii) *Appeals.* No appeal shall be filed from the provisions of paragraph (a) of this order except where a person wishes to make an article which is on the combined list and not on the "Military Exemption List" for one of the agencies mentioned in paragraph (f) (1) in a manner not permitted by the terms of this order. Any such appeal, or any appeal from the provisions of paragraphs (c) (1) and (c) (3) of this order, shall be made by filing Form WPB-1477 with the War Production Board, Copper Division, Washington, 25, D. C., Ref: M-9-c."

Issued this 15th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14284; Filed, Sept. 15, 1944;
11:27 a. m.]

PART 937—ZINC

[General Preference Order M-11, as
Amended Sept. 15, 1944]

SLAB ZINC

Section 937.1 *General Preference Order M-11* is amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of zinc for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 937.1 *General Preference Order M-11*—(a) *Definitions.* (1) "Zinc" means all grades of metallic slab zinc (spelter) produced directly from ores, concentrates or other primary material; or redistilled from zinc scrap, including ashes, dross, skimmings, clippings, castings, engravers' plates, die cast scrap, or any secondary zinc-bearing material.

(2) "Producer" means any person producing zinc and any person who has zinc produced for him under toll agreement.

(3) "Dealer" means any person who regularly receives a physical delivery of zinc and sells or holds the same for resale without changing the form. A person who produces any zinc or who has the same produced for him under toll agreement, is a producer as to such zinc, and not a dealer.

(b) *Deliveries of zinc.* (1) Any person may accept delivery of zinc provided

that the person accepting such delivery of zinc will not, after acceptance, have an inventory in excess of a practicable minimum working inventory.

(2) Any person unable to obtain zinc should make application by written communication to the War Production Board, giving quantity and grade of zinc required and such facts as are pertinent to the case.

(c) *Reports.* (1) All producers and dealers shall file Form WPB-1012 by the fifteenth of each month with the Tin, Lead and Zinc Division.

(2) Each consumer accepting delivery of zinc shall file Form 6-1151-M, in duplicate, by the fifteenth day of each month, with the United States Department of Interior, Bureau of Mines, Washington, D. C., if he has accepted or hereafter accepts as much as twenty short tons of zinc in any calendar month subsequent to December 1943.

(3) All producers, dealers and users of zinc shall file, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, such other reports as the War Production Board shall from time to time prescribe.

(d) *Special directions.* The War Production Board may issue special directions as to the source, destination, specific kinds, and amounts of zinc to be delivered or acquired or to any or all producers to set aside some portion of their production subject to further direction of the War Production Board.

(e) *Applicability of regulations.* Except as specifically provided herein, this order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

(f) *Violations.* Any person who willfully violates any provision of this order, or who, in connection with this order, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime, and, upon conviction, may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control, and may be deprived of priorities assistance.

(g) *Communications.* All communications concerning this order shall, unless otherwise directed, be addressed to: War Production Board, Tin, Lead and Zinc Division, War Production Board Department 7512, Washington 25, D. C., Reference M-11.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 15th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 44-14283; Filed, Sept. 15, 1944;
11:27 a. m.]

PART 3290—TEXTILE, CLOTHING & LEATHER

[Conservation Order M-91, as Amended
Sept. 14, 1944]

COTTON DUCK

§ 3290.56 *Conservation Order M-91.*

(a) (1) "Cotton duck" means cotton fabrics commonly known by that name, in any weight, 15 inches or wider, in the grey, bleached, dyed, printed or proofed state, including but not limited to the following types:

- (1) Shelter tent duck
- (2) Numbered (wide or sail) duck
- (3) Narrow or naught duck
- (4) Hose or belting duck
- (5) Harvester duck
- (6) Filter duck or twills
- (7) Chafer duck (chafer fabric), single or plied yarn
- (8) Army duck (including woven awning stripe)
- (9) Single or double filling flat duck
- (10) Shoe duck
- (11) Gem duck
- (12) Bootleg duck
- (13) Ounce duck
- (14) Enamelling duck
- (15) Cover duck
- (16) Apron duck
- (17) Breaker fabric, plain or leno

(2) "Producer" means a producer of cotton duck.

Restrictions

(b) No producer shall deliver cotton duck even though he receives a rated order, unless:

(1) It is to fill a direct order or contract (not including subcontracts) with the Army or Navy of the United States, the Maritime Commission or the War Shipping Administration; or

(2) It is hose or belting duck, single yarn chafer fabric, numbered duck, filter duck or filter twill produced on looms which on April 7, 1944 were producing or were assigned to produce cotton duck for manufacture into items listed on Schedule A, and the purchaser states in writing that it will be used for that purpose (Authorization to deliver other types of cotton duck may be granted on written application when specifications of the Army or Navy of the United States or the Maritime Commission require other types), or

(3) The producer is authorized, after application by him on Form WPB-678 (formerly PD-329), to deliver it for specified purposes. Deliveries of cotton duck, when so authorized, shall be made by such producer as nearly as possible pro rata to purchasers of cotton duck from him for the specified purposes during the year 1943, and only to purchasers who certify that the cotton duck will be used only for the purposes specified in the authorizations; or

(4) The purchaser is authorized, after application by him on Form WPB-678 (formerly PD-329) to accept delivery of cotton duck. However, no purchaser needing cotton duck for direct or ultimate delivery to, or for incorporation

into any material to be delivered directly or ultimately to the Army or the Navy of the United States, the Maritime Commission or the War Shipping Administration, will be authorized to buy it unless, before filing his application with the WPB on Form 678, he has first made application for the necessary duck to the agency whose prime contract is to be filled or to the Office of the Quartermaster General, Washington, D. C., and accompanies his application to the WPB with a letter from such agency or the Office of the Quartermaster General refusing the delivery requested; or

(5) It has been rejected in writing by both the Army and Navy of the United States; or

(6) It is in lengths not exceeding ten yards produced in the ordinary course of manufacture; or

(7) [Deleted Sept. 14, 1944.]

(8) [Deleted Sept. 14, 1944.]

(c) No producer who has any loom designated for but not needed to fill orders for cotton duck for manufacture into items listed on Schedule A, shall use such looms except for deliveries to the Army or Navy of the United States. Notwithstanding any contract or purchase order made with the Army or Navy of the United States for the production of such looms, the War Production Board may at any time direct that the production of such looms shall be delivered solely or to the extent designated for manufacture into items listed on Schedule A.

(d) No industrial consumer shall:

(1) Accept delivery in a calendar month of cotton duck designated for Schedule A items, in excess of $\frac{1}{2}$ of the yards or pounds (whichever is the standard unit of purchase) which such person put into process in 1941 for the manufacture of such items. (The fact that cotton duck for the manufacture of items on Schedule A is needed for the delivery to the Armed Services or to persons producing for the Armed Services does not permit any industrial consumer to accept more cotton duck under paragraph (b) (2) than is permitted by paragraph (d) (1).)

(2) Accept delivery of Schedule A items, unless required by him within sixty days after receipt for actual use or resale in the 48 states (or within ninety days after receipt for actual use or resale outside the 48 states) or to enable him to have minimum spare materials in stock as a reserve for emergency breakdown.

NOTE: Paragraph (e) (1), formerly paragraph (e), redesignated Sept. 14, 1944.

(e) (1) No producer shall manufacture any cotton duck on looms which on April 7, 1944 were operating on or were assigned to produce cotton duck for incorporation into any item on Schedule A, except cotton duck for incorporation into Schedule A items, or for delivery to the Army or Navy of the United States to the extent permitted by paragraph (c).

(2) Every producer of cotton duck shall operate each of his looms suitable for the production of Army Duck (8 oz. on a 28½" width basis, and heavier), Numbered Duck, Flat Duck (12.10 oz. per square yard, and heavier) or Shelter Tent Duck at least as many hours per week as the loom which is operated the most hours per week in his plant.

General Provisions

(f) All communications concerning this order shall, unless otherwise directed in writing, be addressed to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., Ref. M-91.

(g) Any appeal from the provisions of this order shall be made by filing a letter in triplicate, referring to the particular provision appealed from and stating fully the grounds of the appeal.

(h) Any person who wilfully violates any provision of this order, or who in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries or from processing or using materials under priorities assistance by the War Production Board.

(i) This order and all transactions affected thereby are subject to all applicable regulations of the War Production Board, as amended from time to time, except as otherwise provided in this order.

Issued this 14th day of September 1944.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

SCHEDULE A

PART I—HOSE OF THE TYPES LISTED BELOW MANUFACTURED FROM HOSE DUCK AND SINGLE YARN CHAFER FABRICS

- A. Air drill (2" size and over, only).
 - Butane and propane.
 - Cement gun (1½" size and over, only).
 - Chemical (including foamite) (1½" size and over only).
 - Flexible pipe (3" size and over, only).
 - Grouting, hydraulic, jacking.
 - Lubrication, high pressure (1" and over, only).
 - Pneumatic (2" size and over, only).
 - Railroad (car and engine equipment):
 - Air brake.
 - Air signal.
 - Railroad (chop and maintenance):
 - Air or pneumatic (2" size and over, only).
 - Steam (for uses involving pressure of 50 lbs. or more).
 - Rotary drilling.
 - Sand blast (1½" size and over, only).
 - Steam hose (for uses involving pressures of 50 lbs. or more).
 - Suction (and/or discharge)—3" sizes and over, only.
 - Oil, and other petroleum products and molasses.
 - Sand.
 - Water.
 - Water (3" size and over, only).

B. Acid.

Air drill (sizes under 2").
 Beverage.
 Cement gun (sizes under 1½").
 Chemical (sizes under 1½").
 Creamery.
 Divers air.
 Dredging sleeves.
 Dust.
 Flexible pipe (sizes under 3").
 Lubrication, high pressure (sizes under 1").
 Pneumatic (sizes under 2").
 Radiator.
 Railroad (car and engine equipment):
 Tender tank.
 Railroad (shop and maintenance):
 Air (sizes under 2") steam (for working pressures less than 50 lbs.).
 Water, welding, and other essential types.
 Sand blast (sizes under 1¼").
 Spray (industrial and agricultural).
 Steam (for working pressures less than 50 lbs.).
 Suction (and/or discharge) (sizes under 3"):
 Oil, and other petroleum products and molasses.
 Sand.
 Water.
 Tank wagon, oil and other petroleum products.
 Vacuum (industrial).
 Ventilating.
 Water (sizes under 3").
 Welding.

**PART II—BELTING, PACKING AND MISCELLANEOUS
 FABRIC PRODUCTS LISTED BELOW MANUFACTURED
 WITH OR WITHOUT RUBBER OR BALATA FROM
 BELTING DUCKS**

A. Belting:

Conveyor (all types).
 Elevator.
 Hog-beater.
 Power transmission, flat.
 Power transmission, vee type, industrial and agricultural machinery.

B. Packings:

Sheet, strip, rod, coil and other mechanical packings.

C. Miscellaneous Products:

Band saw bands.
 Card clothing.
 Chute and tumbling barrel liners.
 Cleats and bucket pads.
 Draper and feed aprons.
 Drop hammer pads.
 Escalator hand rails.
 Granite slings.
 Laundry machine tapes.
 Linoleum forming belts.
 Linemen's straps.
 Loom and harness strapping.
 Polishing belts.
 Printers and lithographers' supplies.
 Pulley lagging.
 Round belts and belting.
 Rut aprons and condenser tapes.
 Screen diaphragms.
 Street sweepers belts.
 Tank and dam seals.

**PART III—COTTON DUCK PRODUCTS LISTED BELOW
 MANUFACTURED FROM NUMBERED OR FILTER
 DUCK AND FILTER TWEILLS**

Chemical filters.
 Cane and beet sugar industrial filters.

Oil and wax filters.
 Paint filters.
 Dyestuff filters.
 Filters used in the processing of food products.
 Mining, quarrying and smelting filters.
 Filters used in the processing of ceramics.
 Cement filters.

**PART IV—SINGLE YARN CHAFER FABRICS FOR
 USE IN:**

Pneumatic rubber tires for airplanes, automobiles, trucks and tractors, or for use in other vehicles for direct or ultimate delivery to the U. S. Army, Navy or Maritime Commission.

INTERPRETATION 1

Note: Interpretation 1 is obsolete.

[F. R. Doc. 44-14261; Filed, Sept. 14, 1944;
 4:31 p. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

[Rev. Supp. Order 10, Amdt. 1]

JUDICIAL SALES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.*

TABLE A—MAXIMUM PRICES FOR PRODUCERS OF FRESH FISH AND SEAFOOD

| Schedule No. | Name | Item No. | Style of dressing | Size | Price per pound | | | |
|--------------|---|----------|-------------------|------|-----------------|----------------|----------------|----------------|
| | | | | | Sept.* | Oct. | Nov. | Dec. |
| | | | | | Bulk ex-vessel | Bulk ex-vessel | Bulk ex-vessel | Bulk ex-vessel |
| 30-B | Salmon, Fall (Pacific Coast) Seine caught (Oncorhynchus keta). ¹¹ | 1 | Round | All | 0.05 | 0.05 | 0.05 | 0.05 |
| 33 | Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha). ¹² | 1 | Round | All | .10½ | .10½ | .10½ | .10½ |
| 34 | Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha). ¹³ | 1 | Round | All | .13½ | .13½ | .13½ | .13½ |
| 34-A | Salmon, Chinook or King (Pacific Coast) (Oncorhynchus tshawytscha). ¹⁴ | 1 | Round | All | .13½ | .13½ | .13½ | .13½ |

*As to 1941 the September prices apply from Sept. 14 to Sept. 30 (inclusive).

This amendment shall become effective September 14, 1944.

Issued this 14th day of September 1944.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 44-14259; Filed, Sept. 14, 1944;
 3:53 p. m.]

*Copies may be obtained from the Office of Price Administration.

¹¹ 9 F.R. 9897.

¹² 8 F.R. 9366, 10086, 10513, 10939, 11734, 11687, 12468, 12233, 12688, 13297, 13182, 13302, 14049, 14475, 14616, 15257, 15430, 16131, 16293, 16296; 9 F.R. 90, 1325, 1532, 1575, 2133, 2408,

Section 2 (d) is amended by the addition of the following:

MPR 373—Maximum Prices in the Territory of Hawaii (the following sections only: section 29—Maximum Prices for Used Refrigerators, section 43—Maximum Prices for Used Washing Machines, section 57—Maximum Prices for Used Passenger Automobiles).
 MPR 540—Maximum Prices for Used Passenger Automobiles.

This amendment shall become effective September 20, 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
 Administrator.

[F. R. Doc. 44-14255; Filed, Sept. 15, 1944;
 11:48 a. m.]

**PART 1364—FRESH, CURED AND CANNED
 MEAT AND FISH PRODUCTS**

[MPR 418, Amdt. 35]

FRESH FISH AND SEAFOOD

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.*

In section 20, Table A, the prices for Schedules 30-B, 33, 34 and 34-A are amended to read as follows for the months of September through December:

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[Rev. RO 16, Amdt. 14 to 2d Rev. Supp. 1]

MEAT, FATS, FISH AND CHEESES

Section 1407.3027 (c) (3) is added to read as follows:

(3) For the allotment period from October 1, 1944 to December 31, 1944, inclusive:

2691, 3038, 3388, 3578, 3940, 4350, 4821, 6103, 6452, 7168, 11273.

¹³ 9 F.R. 6772, 6825, 7262, 7438, 8147, 8931, 9266, 9278.

| Class of foods | Classes of product or use (on Schedule I of OPA Form R-1200) | Factor |
|--|--|--------|
| (i) Meats: | | |
| (a) Bone in and separated suet. | All..... | 0.0 |
| (b) Boned and boneless (and canned meat and canned fish). |do..... | 0.0 |
| (c) Hearts, tongues, livers and sweetbreads (pancreas and thymus). |do..... | 0.0 |
| (ii) Cheeses and canned milk: | | |
| (a) Group I, cheese. |do..... | 6.0 |
| (b) Group II, cheese. |do..... | 6.0 |
| (c) Group III, cheese. |do..... | 10.0 |
| (d) Canned milk. |do..... | 0.0 |
| (iii) Fats and oils: | | |
| (a) Butter. |do..... | 8.0 |
| (b) Margarine. |do..... | 2.0 |
| (c) Shortening. |do..... | 0.0 |
| (d) Cooking and salad oils. |do..... | 0.0 |

This amendment shall become effective September 19, 1944.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong.; E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 F.R. 562; and Supp. Dir. 1-M, 7 F.R. 8234; WFO No. 56, 8 F.R. 2005, 9 F.R. 4319; WFO No. 58, 8 F.R. 2251; 9 F.R. 4319; WFO No. 59; 8 F.R. 3471, 9 F.R. 4319; WFO No. 61, 8 F.R. 3471, 9 F.R. 4318, and Supp. 1 to WFO No. 61, 9 F.R. 9134, 9389)

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14286; Filed, Sept. 15, 1944;
11:48 a. m.]

PART 1499—COMMODITIES AND SERVICES

[Order 684, Under 3 (b)]

C. H. DRAGERT CO., INC., ET AL.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to §§ 1499.3 (b) (2) and 1499.3 (e) (3), it is ordered:

§ 1499.2171 *Maximum prices for certain paint materials.* (a) The maximum prices for sales of metallic lead paste, for metallic lead paste, and thinner for metallic lead paste shall be:

| | Metallic lead paste | Vehicle for metallic lead paste | Thinner for metallic lead paste |
|--|---------------------|---------------------------------|---------------------------------|
| For sales by C. H. Dragert Co., Inc., Dallas, Tex., to dealers, f. o. b. factory, Dallas, Tex. | Per lb. \$0.24 | Per gal. \$2 | Per gal. \$1.50 |
| For sales by dealers, f. o. b. their separate and individual stores. | .26 | 3 | 2.25 |

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of metallic lead paste, vehicle for metallic lead paste, or thinner for metallic lead

No. 186—2

paste to any dealer, G. H. Dragert Co., Inc. shall furnish such dealer with a written notice as follows:

| NOTICE | | |
|----------------------------------|--|---|
| | Our maximum price, f. o. b. Dallas, Tex. | Your maximum price, f. o. b. your store |
| Metallic lead paste. | \$2.21 per lb. | \$2.23 per lb. |
| Vehicle for metallic lead paste. | \$2.09 per gal. | \$2.09 per gal. |
| Thinner for metallic lead paste. | \$1.50 per gal. | \$2.23 per gal. |

(d) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective September 16, 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14287; Filed, Sept. 15, 1944;
11:48 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

PART 321—DIRECTIVES

[Director 5, Rev. 2, Amdt. 1]

FORWARDING AND TRANSPORTATION OF WATERBORNE FOREIGN COMMERCE OF UNITED STATES

Section 321.5 *Directive with respect to forwarding and transportation of waterborne foreign commerce of the United States issued jointly by the Lend-Lease Administrator and the Administrator, War Shipping Administration* (Directive 5, Revision 2 (8 F. R. 9032)), is amended by adding the following new paragraph:

(g) Effective September 9, 1944, the following witness and signature clause may be used in the place and stead of the witness and signature clause prescribed in the form of bill of lading set forth in paragraph (a).

In witness whereof, there have been executed _____ bills of lading exclusive (Insert number)

of non-negotiable copies, all of the same tenor and date, one of which being accomplished, the others to stand void.

Dated at _____ 19____

For the Master,

By _____

(Insert name of agent in print)
Agents for United States of America
(War Shipping Administration)

By _____

Foreign Economic Administration concurs in this amendment.

[SEAL]

E. S. LAND,
Administrator.

SEPTEMBER 9, 1944.

[F. R. Doc. 44-14282; Filed, Sept. 15, 1944;
11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[S. O. 164-A]

PART 95—CAR SERVICE

REFRIGERATION OF CITRUS FRUITS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of September A. D. 1944.

Upon further consideration of Service Order No. 164 (8 F.R. 15491) of November 10, 1943, and good cause appearing therefor:

It is ordered, That Service Order No. 164 (8 F.R. 15491) of November 10, 1943, 49 C.F.R. § 95.323, restricting refrigeration on citrus fruits in refrigerator cars, be, and it is hereby, vacated and set aside. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-14274; Filed, Sept. 15, 1944;
11:02 a. m.]

[S. O. 200, Rev. Amdt. 4]

PART 95—CAR SERVICE

REFRIGERATION ON POTATOES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of September A. D. 1944.

Upon further consideration of the provisions of Service Order No. 200 (9 F.R. 4402) of April 22, 1944, as amended (9 F.R. 5960, 9622, 9916, 10051, 11015), and good cause appearing therefor:

It is ordered, That Service Order No. 200 of April 22, 1944, be, and it is hereby, further amended by adding the following exception to paragraph (a) (1) of § 95.337 thereof:

Exception: On refrigerator cars loaded with potatoes originating at any point or points on the Union Pacific Railroad Company in the States of Colorado, Kansas, or Nebraska, or in Idaho Groups B or C, or in Oregon Group B, as defined in Items 1013 and 1043, respectively, of National Perishable Freight Committee's

Perishable Protective Tariff No. 13, Agent J. J. Quinn's I.C.C. No. 22, supplements thereto or reissues thereof, the Union Pacific Railroad Company, at its option, may accord such first or initial icing at first regular icing station en route after the car is loaded and billed. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective 12:01 a. m., September 15, 1944, and shall expire at 12:01 a. m., October 15, 1944; that a copy of this order and direction shall be served upon the State Commission of each State specified in the exception herein; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 44-14275; Filed, Sept. 15, 1944;
11:02 a. m.]

Chapter II—Office of Defense Transportation

[General Order ODT 25A, Amdt. 2]

PART 502—DIRECTION OF TRAFFIC MOVEMENT

OPERATION OF VESSELS ON THE GREAT LAKES

Pursuant to Executive Order 8989, as amended, §§ 502.76 and 502.77 of General Order ODT 25A, as amended (8 F.R. 7778, 9 F.R. 4652), are hereby amended to read as follows:

§ 502.76 *Certain operations restricted.* No person shall ship, forward, or transport by vessel any shipment of grain, in bulk, from any port, point, or place in the United States located on the Great Lakes, or load any vessel with grain, in bulk, preparatory to shipment or transportation from such port, point, or place, unless there is outstanding a special or general permit issued by the War Food Administration, or its designated agent, authorizing such shipment to be unloaded at or handled through an elevator located at the point to which such shipment is to be transported: *Provided, however,* That this section shall not apply to a shipment which is consigned to a port or place not included within the scope of regulations or orders issued by the War Food Administration governing the use of elevator facilities for unloading grain from vessels.

§ 502.77 *Application for special permit.* Application for issuance of the permits contemplated by § 502.77 shall

be made in the manner prescribed by applicable regulations or orders issued by the War Food Administration.

This Amendment 2 to General Order ODT 25A shall become effective September 18, 1944.

(E.O. 8989, 6 F.R. 6725 and 8 F.R. 14183)

Issued at Washington, D. C., this 14th day of September 1944.

J. M. JOHNSON,

Director,

Office of Defense Transportation.

[F. R. Doc. 44-14268; Filed, Sept. 15, 1944;
10:40 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation.

SHOSHONE PROJECT, WYO.

REVOCATION OF FIRST FORM WITHDRAWAL

JULY 25, 1944.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Shoshone project, the withdrawal of the hereinafter described lands, withdrawn in the first form prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388), by Departmental Order of May 2, 1919, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said order as withdrew the lands hereinafter listed be revoked: *Provided,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other order withdrawing or reserving the lands hereinafter listed.

SHOSHONE PROJECT

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 51 N., R. 99 W.,
Tracts 78-A, 78-C, 78-E, 78-G;
Tracts 79-A, 79-C, 79-E, 79-G.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: August 24, 1944.

FRED W. JOHNSON,
Commissioner of the
General Land Office.

The foregoing recommendation regarding the Shoshone project is hereby approved, and it is so ordered. The jurisdiction over and use of such lands by the Bureau of Reclamation shall cease upon the date of the signing of this order.

This order, however, shall not otherwise become effective to change the status of the lands until 10:00 o'clock a. m. of the sixty-third day from the date on which it is signed, whereupon the lands shall, subject to valid existing rights, become subject to such application, petition, location, or selection as may be authorized by the public land laws in accordance with the provisions of 43 CFR 295.8 (Circ. 324, May 22, 1914,

43 L.D. 254) and 42 CFR Part 296, to the extent that these regulations are applicable.

The Commissioner of the General Land Office is hereby authorized and directed to cause the records of his office and of the district land office to be noted accordingly.

[SEAL]

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 28, 1944.

[F. R. Doc. 44-14226; Filed, Sept. 14, 1944;
11:49 a. m.]

RIO GRANDE PROJECT, N. MEX.

REVOCATION OF FIRST AND SECOND FORM
WITHDRAWAL

JULY 5, 1944.

The SECRETARY OF THE INTERIOR.

SIR: From recent investigations in connection with the Rio Grande project, the withdrawal of the hereinafter described lands, withdrawn in the first and second forms prescribed by section 3 of the Act of June 17, 1902 (32 Stat. 388) by Departmental Orders of September 29 and October 31, 1903, March 26 and July 17, 1908, March 27, 1911 and June 3, 1926, no longer appears necessary to the interests of the project.

It is therefore recommended that so much of said orders as withdrew the lands hereinafter listed be revoked: *Provided,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter listed.

RIO GRANDE PROJECT

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 8 S., R. 2 W.,

Sec. 21, Lot 4;

Sec. 28, Lot 1;

Sec. 29, Lots 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$.

T. 9 S., R. 3 W.,

Sec. 1, Lot 5, SE $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 12, Lots 1, 2, 4, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$;

Sec. 13, Lots 1 to 4, inclusive, NW $\frac{1}{4}$; W $\frac{1}{2}$

SW $\frac{1}{4}$;

Sec. 14, E $\frac{1}{2}$ E $\frac{1}{2}$;

Sec. 23, Lots 1, 2, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$

SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 24, Lots 1, 2, 4, W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 25, Lot 1;

Sec. 26, Lots 1 to 4, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;

Sec. 34, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 35, Lots 2 to 5, inclusive, N $\frac{1}{2}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 10 S., R. 3 W.,

Sec. 4, Lots 6, 7, 8;

Sec. 9, Lots 1 to 6, inclusive;

Sec. 16, Lot 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$

SW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 20, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 21, N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$,

S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$;

Sec. 28, NW $\frac{1}{4}$ NW $\frac{1}{4}$;

Sec. 29, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;

Sec. 32, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 11 S., R. 3 W.,

Sec. 5, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$;

Sec. 8, E $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 17, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$;

Sec. 18, SE $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 19, Lots 3, 4, NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$;

Sec. 20, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;

Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$;
 Sec. 30, Lot 1, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 32, W $\frac{1}{2}$ E $\frac{1}{2}$;
 Sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$.
 T. 12 S., R. 3 W.
 Sec. 4, Lot 4, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 5, Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 8, N $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 9, W $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 17, Lots 1, 2, N $\frac{1}{2}$ NE $\frac{1}{4}$.
 T. 11 S., R. 4 W.,
 Sec. 25, NE $\frac{1}{4}$ NE $\frac{1}{4}$.
 T. 12 S., R. 4 W.,
 Sec. 2, Lot 2.
 T. 14 S., R. 4 W.,
 Sec. 4, Lots 1 to 4 and 6 to 9, inclusive, Lot 11;
 Sec. 5, Lots 1 to 4, inclusive;
 Sec. 6, Lots 1, 2, 3, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 7, Lots 1 to 4, inclusive, Lots 8, 9, NE $\frac{1}{4}$;
 Sec. 8, Lot 1, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 17, Lots 3, 4, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 18, Lots 1 to 7, inclusive, Lot 9, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$;
 Sec. 19, Lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 20, Lot 1, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 29, Lots 1, 2, 5 to 8, inclusive, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, Lots 1, 2, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 31, E $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 32, Lots 1 to 4, inclusive, NW $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
 T. 15 S., R. 4 W.,
 Sec. 5, Lots 2, 3, 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, S $\frac{1}{2}$;
 Sec. 6, Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Secs. 7 and 8;
 Sec. 17, W $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18;
 Sec. 19, N $\frac{1}{2}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 20, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 29, W $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 30;
 Sec. 31, Lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$.
 T. 16 S., R. 4 W.,
 Sec. 6, Lots 2 to 7 and 11 to 14, inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 7, Lots 1 to 4, inclusive, W $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 18, Lots 1 to 4, inclusive;
 Sec. 19, Lots 1, 2, E $\frac{1}{2}$ W $\frac{1}{2}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 30, Lots 1 to 4, inclusive, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 31, Lots 1, 2.
 T. 15 S., R. 5 W.,
 Sec. 12, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 25, S $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$.
 T. 16 S., R. 5 W.,
 Sec. 1, Lot 1, SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ SE $\frac{1}{4}$;
 Sec. 12, Lots 1 to 6, inclusive, NE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$;
 Sec. 13, Lots 1 to 6, inclusive, NW $\frac{1}{4}$, SE $\frac{1}{4}$;
 Sec. 24, N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$;
 Sec. 25, SE $\frac{1}{4}$.

Respectfully,

H. W. BASHORE,
Commissioner.

I concur: August 22, 1944.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and

the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

[SEAL]

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 25, 1944.

[F. R. Doc. 44-14225; Filed, Sept. 14, 1944;
 11:49 a. m.]

SALT RIVER PROJECT, ARIZ.

FIRST FORM WITHDRAWAL AND RESERVATION FOR DITCHRIDER'S QUARTERS

AUGUST 5, 1944.

The SECRETARY OF THE INTERIOR:

SIR: In accordance with the authority vested in you by the act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described land be withdrawn from public entry under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388). It is further recommended that this land be designated as a United States Reserve for use as a ditchrider's quarters.

SALT RIVER PROJECT

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 3 E.,
 Sec. 4, S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

Respectfully,

WILLIAM E. WARNE,
Acting Commissioner.

I concur: August 16, 1944.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the district land office to be noted accordingly.

[SEAL]

OSCAR L. CHAPMAN,
Assistant Secretary.

AUGUST 22, 1944.

[F. R. Doc. 44-14293; Filed, Sept. 15, 1944;
 11:53 a. m.]

Office of the Secretary.

[Order 1890]

CONSOLIDATION NO. 25 MINE, ET AL.

POSSESSION OF COAL MINES

Pursuant to the provisions of Executive Order No. 9481 issued by the President of the United States on September 12, 1944, Government possession is hereby taken, effective forthwith, of each and all of the mines listed in the appendix attached hereto and made a part hereof, and of any and all real and personal property and other assets used in connection with the operation thereof.

The regulations for the operation of coal mines under Government control, as amended (8 F.R. 6655, 10712, 11344, 17339) heretofore issued by the Secre-

tary of the Interior shall be applicable to the properties possession of which is taken by this order, except as may be otherwise directed.

Each of the persons whose name is listed in the appendix is hereby designated as operating manager for the United States for the properties as indicated in the appendix. As operating manager for the United States, each is authorized and directed to operate any and all such properties in accordance with the aforementioned regulations for the operation of coal mines under Government control and such further directions as may from time to time be issued, and to do all things necessary and appropriate for the operation of such properties and for the production, distribution and sale of their products.

The operating manager for the United States shall forthwith fly the flag of the United States at each such property, and shall display conspicuously thereat copies of a poster, reading as follows:

NOTICE: In accordance with the proclamation of the President of the United States, Government possession of the mines, collieries and preparation facilities of this mining company has been taken by Order of the Secretary of the Interior.

HAROLD L. ICKES,
Secretary of the Interior.

Dated: September 12, 1944.

[SEAL]

ABE FORTAS,
Acting Secretary of the Interior.

APPENDIX

| Name of mine | Name of operating manager for the United States. |
|--|--|
| Consolidation No. 25 Mine, Consolidation Coal Co., Fairmont, W. Va. | George H. Love. |
| Mona (Arkwright) Mine, Consolidation Coal Co., Morgantown, W. Va. | George H. Love. |
| Cannelton Nos. 3, 5 and 6 Mines, Cannelton Coal & Coke Co., Cannelton, W. Va. | F. O. Harris. |
| Bunker Mine, Davis-Wilson Coal Co., Morgantown, W. Va. | R. M. Davis. |
| Purglove No. 2 Mine, Purglove Coal Co., Purglove, W. Va. | Joseph Purglove, Jr. |
| Federal No. 1 Mine, Eastern Gas and Fuel Associates, Koppers Coal Division, Grant Town, W. Va. | L. C. Campbell. |
| Christopher No. 2 Mine, Christopher Mining Corporation, Madsaville, W. Va. | Frank E. Christopher. |
| Christopher No. 3 Mine, Christopher Coal Co., Osage, W. Va. | Frank E. Christopher. |
| Brook No. 4 Mine, Brock, Inc., Caccaville, W. Va. | Frank E. Christopher. |
| Jamison No. 8 Mine, Jamison Coal & Coke Co., Farmington, W. Va. | Ralph E. Jamison. |

[F. R. Doc. 44-14234; Filed, Sept. 15, 1944;
 11:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Bureau of Animal Industry.

ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

PROPOSED MARKETING AGREEMENT

Notice of report and opportunity to file written exceptions in respect to a proposed marketing agreement and to a proposed amended order regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Pursuant to § 132.12 (c) of the rules of practice and procedure (8 F.R. 7743), Bureau of Animal Industry, notice is hereby given of the filing with the hearing clerk of this report of the Chief of the Bureau of Animal Industry with respect to a marketing agreement and amended order regulating the handling of anti-hog-cholera serum and hog-cholera virus.

Interested parties may file exceptions to the report with the Hearing Clerk, Room 1331, Department of Agriculture, Washington, D. C., not later than the close of business on the 15th day after publication of this notice in the FEDERAL REGISTER. Exceptions should be filed in duplicate.

The proceedings were inaugurated by the Bureau of Animal Industry following the receipt of a request from the Control Agency under date of November 27, 1939, for a public hearing on a series of Amendments proposed by it to remedy alleged defects in the marketing order that had been in effect since December 7, 1936. After consideration of the proposed amendments, notice of a public hearing was issued on April 12, 1940, and a hearing held on April 17, 18, 19 and 20, 1940, in Chicago, Illinois. During this hearing, and later, objections were voiced by the Illinois and Iowa Farm Bureaus and others to the proposed amendments. The Illinois and Iowa Farm Bureaus were particularly concerned with the proposed amendments eliminating volume contract purchasers and relating to offers to sell at other than current posted prices. Negotiations and conferences between the interested parties followed. A tentative draft of a completely revised marketing agreement was presented to the Bureau by the Control Agency on November 2, 1942. This tentative draft was considered by the Department and on February 12, 1943, a formal request was made by the Control Agency for a public hearing on this amended agreement. On December 18, 1943, notice was given of a hearing on the tentatively amended agreement which was held in Washington on January 24, 1944. This hearing in effect was a continuation of the hearing in Chicago on April 17, 18, 19 and 20, 1940. At the hearing held on January 24, 1944, no significant objections were offered to the tentatively amended agreement by those present, which included representatives of the Illinois and Iowa Farm Bureaus. However briefs were filed later by the Control Agency, the American Cooperative Serum Association, Sioux City, Iowa, and the Peters Serum Company, Kansas City, Missouri. The main purpose of the amended agree-

ment is to remedy defects which have become apparent since 1936 and in the main most of the changes proposed are agreeable to all interested parties.

The major issues developed in these hearings were concerned with (1) Definition of the terms, "Consumer," "Dealer," "Wholesaler," "Volume Contract Purchaser," "Branch House," "Price," "Discount" and "Terms of Sale," (2) Filing of prices to all classes of buyers, (3) Trade practices involving loaning or giving syringes and equipment to buyers.

With respect to these issues it is concluded that:

(1) The terms "Consumer," "Price," "Discount," "Branch House," and "Terms of Sale" should now be defined and the definitions of "Dealer," "Wholesaler" and "Volume Contract Purchaser" should be revised to describe more clearly these classes of the trade.

(2) The filing of prices for Volume Contract Purchasers need not be required provided each selling handler files with the Control Agency and the Secretary of Agriculture executed copies of all contracts entered into with the handlers classified as volume contract purchasers within ten days after execution of each contract.

(3) The loaning or giving syringes or anything of value to dealers or wholesalers by handlers should be prohibited as an aid to fair practices in marketing.

The following amended agreement is recommended as the detailed means by which these conclusions may be carried out.

Marketing Agreement Regulating the Handling of Anti-Hog-Cholera Serum and Hog-Cholera Virus

The parties to this agreement are the contracting handlers of anti-hog-cholera serum and hog-cholera virus in the United States and the Secretary of Agriculture of the United States. This agreement is entered into pursuant to and to effectuate the declared policy of Public Law 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 1940 ed. 851 et seq.).

Now, therefore, the parties hereto agree as follows:

Section 1. *Definitions.* As used herein, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is, or who may hereafter be, authorized to exercise the powers and perform the duties of the Secretary of Agriculture of the United States.

(b) "Act" means the act to amend the Agricultural Adjustment Act, and for other purposes, Public No. 320, 74th Congress, approved August 24, 1935 (7 U.S.C. 1940 ed. 851 et seq.).

(c) "Person" means any individual, partnership, association, business trust, corporation, or any organized group of persons whether incorporated or not.

(d) "Serum" and "virus" mean anti-hog-cholera serum and hog-cholera virus, respectively, products used in the immunization of swine against hog cholera, manufactured and marketed in compliance with standards and regula-

tions, promulgated by the United States Department of Agriculture, and serum and virus manufactured in a similar manner and for an identical purpose under license or authority of any State or otherwise, and marketed in interstate and foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(e) "Handler" means any person who is engaged in the handling of anti-hog-cholera serum and hog-cholera virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(f) "To handle" means to sell for shipment in, to ship in, or in any way to put into the channels of trade in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(g) "To market" means to consign or to sell or in any other manner transfer or convey title to, or any interest in, serum or virus in interstate or foreign commerce or so as directly to burden, obstruct, or affect interstate or foreign commerce, or to enter into any contract or arrangement to do or have done any of the said acts.

(h) "Consumer" means that class of buyers comprising persons who are owners of swine or have a qualified ownership in swine who purchase serum and virus for use in such swine or that class of buyers who employ dealer administration of serum and virus to such swine.

(i) "Dealer" means that class of buyers comprising persons who seasonally purchase and maintain, under proper storage conditions, adequate stocks of serum and virus for resale to consumers in local areas; and that class of persons regularly engaged in the business of administering serum and virus in local areas for profit.

(j) "Wholesaler" means that class of persons engaged in purchasing and maintaining adequate stocks of serum and virus under proper storage conditions for resale principally to dealers throughout extensive areas; who conduct consistently active, complete and comprehensive selling operations throughout extensive areas; who maintain service and shipping facilities; who provide all other services and perform all other functions customarily incident to such marketing of serum and virus; who do not administer serum and virus and who are not directly or indirectly engaged in the business of administering serum and virus, and who shall have been found by the control agency, on evidence acceptable to it, to conform to all the standards of this definition.

(k) "Volume contract purchaser" means that class or classes of handlers comprising persons who regularly purchase, for delivery within a definite period of time, serum and virus in specified amounts, adequate, in the opinion of the control agency, to justify such special classification.

(l) "Branch House" means that class of persons who are not buyers of serum and virus, who are engaged by producers as employees or agents, including shipping agents paid on a commission basis, in the handling of serum and virus.

Such persons do not administer serum and virus.

(m) "Manufacturer" or "producer" means any person who manufactures or produces and is engaged in the handling or distribution of serum and virus in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce.

(n) "Price" is the sum of money which the seller asks and receives from the purchaser in exchange for serum and virus.

(o) "Discount" means that percentage of the invoice price or that amount of money which the purchaser may deduct from the invoice price for payment at any time prior to the due date of such invoice.

(p) "Terms of sale" means the time or date at which the invoice price of serum and virus is due and payable.

(q) "Control agency" means the agency established pursuant to section 2 of this agreement.

(r) "Books and records" means any books, papers, records, copies of income tax reports, accounts, correspondence, contracts, documents, memoranda, or other data pertaining to the business of the person in question.

(s) "Subsidiary" means any person, of or over whom or which a handler or an affiliate of a handler has, or several handlers collectively have, either directly or indirectly, actual or legal control, whether by stock ownership or in any other manner.

(t) "Affiliate" means any person or subsidiary thereof, who or which has, either directly or indirectly, actual or legal control of or over a handler, whether by stock ownership or in any other manner.

(u) "Agreement" means the marketing agreement entered into by the parties hereto.

SEC. 2. *Control agency.* (a) A control agency, consisting of twelve members, is hereby established to administer the terms and provisions hereof. The members and their respective alternates for the year ending December 31, 1944, shall be as follows:

To represent manufacturers marketing their products principally through veterinarians:

- (1) G. G. Graham, Kansas City, Mo., alternate, E. B. Hollecker, Kansas City, Kans.
- (2) C. J. Norden, Lincoln, Nebr., alternate, A. E. Bott, East St. Louis, Ill.
- (3) H. J. Shore, Fort Dodge, Iowa, alternate, A. Kushner, Topeka, Kans.
- (4) G. H. Williams, Omaha, Nebr., alternate, T. W. Munce, Sioux City, Iowa.
- (5) R. M. Young, Omaha, Nebr., alternate, M. F. Wallace, Kansas City, Kans.

To represent the manufacturers marketing their products principally through other channels:

- (6) B. W. Harrington, Franklin, Nebr., alternate, F. D. Toler, West Plains, Mo.
- (7) T. B. Huff, Sioux City, Iowa, alternate, Majon Huff, Denver, Colo.
- (8) F. R. Jones, Fort Worth, Tex., alternate, C. E. Greiner, Philadelphia, Pa.
- (9) E. A. Poe, South St. Joseph, Mo., alternate, T. E. Wilke, West Plains, Mo.

(10) J. E. Swalm, Chicago, Ill., alternate, W. G. Peters, Kansas City, Mo.

To represent the handlers, other than manufacturers, marketing their products principally through veterinarians:

(11) T. A. Edwards, Kansas City, Mo., alternate, P. B. Pontius, Fort Dodge, Iowa.

To represent the handlers, other than manufacturers, marketing their products principally through other channels:

(12) R. S. Williams, Sioux City, Iowa, alternate, Henry Doerr, Sioux City, Iowa.

Each of the aforesaid members and his respective alternate shall serve for a term ending on December 31, 1944, and in the event that the respective person's successor has not been selected and has not qualified by December 31, 1944, such person shall serve until his successor has been selected and has qualified.

(b) The successors to the members of the control agency, and their respective alternates, shall be selected annually by the Secretary at least fifteen days prior to the expiration of the term of office of their respective predecessors. Such selections shall be made by the Secretary from the respective nominees of groups hereinafter designated to make nominations. Nominations shall be made on December 1 of each year in the following manner: The contracting handlers who are manufacturers marketing their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of twenty individuals to represent such contracting handlers as members and alternates. The contracting handlers who are manufacturers marketing their products principally through other channels, as a group, may nominate by inscribing on a ballot the names of twenty individuals to represent such contracting handlers as members and alternates. The contracting handlers, other than manufacturers, who market their products principally through veterinarians, as a group, may nominate by inscribing on a ballot the names of four individuals to represent such contracting handlers as members and alternates. The contracting handlers, other than manufacturers, who market their products principally through other channels may nominate by inscribing on a ballot the names of four individuals to represent such contracting handlers as members and alternates.

(c) Each of the twelve members of the control agency and each of the twelve alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the forty-eight nominees for membership and alternates who receive the highest numbers, successively, of votes cast by contracting handlers entitled to vote for nominees in each group. No two individuals from the same partnership, corporation, association or any other business unit, including agents, affiliates, subsidiaries and representatives thereof, shall be selected for membership in or serve as members of the control agency at the same time. The nominees in each instance shall be nominated by a vote of the contracting handlers who are entitled under the pro-

visions of this agreement to vote for such nominees. At any election of nominees each contracting handler shall be entitled to cast one vote on behalf of himself, agents, partners, affiliates, subsidiaries and representatives for each of the members of the control agency and their respective alternates for whom he is entitled to vote.

(d) Members of the control agency and their respective alternates, subsequent to the members herein designated, shall be selected annually for a term of one year beginning the first day of January, and shall serve until their respective successors shall be selected and shall qualify. Any individual selected as a member of the control agency or an alternate shall qualify by filing a written acceptance of his appointment with the Secretary or his designated representative.

(e) To fill any vacancy occasioned by the removal, resignation, or disqualification of any member of the control agency or an alternate, a successor for his unexpired term shall be selected by the Secretary from nominees selected by the respective group of contracting handlers in whose representation the vacancy has occurred, such nominee to be determined by the selection by the proper group as specified in paragraph (b) of this section of two nominees for each vacancy to be filled and selected in the manner specified in paragraph (c) of this section. Such selection of nominees shall be made within thirty days after such vacancy occurs. If a nomination is not made within such thirty days, the Secretary may select an individual to fill such vacancy.

(f) The members of the control agency shall select a chairman from their membership, and all communications from the Secretary may be addressed to the chairman at such address as may from time to time be filed with the Secretary. The agency shall select such other officers and adopt such rules not inconsistent with the provisions of his agreement for the conduct of its business as it may deem advisable. The agency shall give to the Secretary or his designated agent the same notice of meetings of the control agency as is given to members of the agency and their alternates.

(g) A reasonable compensation to be determined by the control agency, to be paid to the secretary of the control agency, and the expenses of the members of the control agency while engaged in the business of the control agency, shall be necessary expenses to be incurred by the control agency for its maintenance and functioning under the provisions of section 7 and section 8 hereof.

SEC. 3. *Powers of control agency.* The control agency shall have power:

(a) To administer, as hereinafter specifically provided, the terms and provisions hereof;

(b) To make, in accordance with the provisions hereinafter contained, administrative rules and regulations;

(c) To receive, investigate, and report to the Secretary of Agriculture complaints of violations of this agreement; and

(d) To recommend to the Secretary of Agriculture amendments to this agreement.

SEC. 4. *Duties of control agency.* It shall be the duty of the control agency:

(a) To act as intermediary between the Secretary and any contracting handler;

(b) To keep minute books and records which will clearly reflect all of its acts and transactions, and such minute books and records shall, at any time, be subject to the examination of the Secretary;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees as it may deem necessary and to determine the salaries and define the duties of any such employees;

(e) To establish and foster any agency for the purpose of securing new or improved markets for the anti-hog-cholera serum and the hog-cholera virus through marketing research; to establish committees, composed of members of the control agency or producers, for the purpose of cooperating with any governmental body, agency, bureau, or Department on subjects relating to the administration of this marketing agreement. The reasonable expenses of any of said committees shall be a necessary expense incurred by the control agency for its maintenance and functioning, and any such necessary expense shall be defrayed by the control agency from funds collected pursuant to section 7 and section 8 of this agreement; and

(f) To make such disbursements as may be necessary to meet expenses necessarily incurred by the control agency for its maintenance and functioning under the provisions of this agreement.

SEC. 5. *Procedure of control agency.*

(a) All decisions of the control agency, except where otherwise specifically provided, shall be by a three-fourths vote of the members who have qualified by filing their written acceptance and who are eligible to vote.

(b) The control agency may provide for voting by its members by mail or telegraph upon due notice to all members, and when any proposition is submitted for voting by such method, one dissenting vote shall prevent its adoption until submitted to a meeting of the control agency.

(c) The members of the control agency (including alternates, successors, or other persons selected by the Secretary), and any agent or employee appointed or employed by the control agency, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the control agency, shall be subject to the continuing right of the Secretary to disapprove of the same at any time, and upon such disapproval shall be deemed null and void except as to acts done in reliance thereon or in compliance therewith.

(d) If a member of the control agency shall be a party in interest to any dispute or complaint, or a representative of such party in interest, he shall, for the pur-

pose of the consideration of such dispute or complaint, be disqualified as a member of the control agency. Such disqualification, however, shall not be deemed to create a vacancy in the control agency.

(e) The alternate for each member of the control agency shall have the power to act in the place and stead of such member in his absence or in the event of his removal, resignation, or disqualification until a successor for such member's unexpired term has been selected.

(f) The control agency, subject to the disapproval of the Secretary, may select an executive committee of not more than four members who shall be empowered to act for the control agency in the routine administration of this agreement, at such times as the control agency is not meeting and cannot be conveniently convened for the purpose. Any and all acts of the executive committee shall be subject to the approval of the control agency, which shall take action with respect to any act of the executive committee at the next meeting of the control agency held immediately following any action by the executive committee.

SEC. 6. *Funds of control agency.* All funds received by the control agency, pursuant to any provision of this agreement, shall be used solely for the purpose therein specified and shall be accounted for in the following manner:

(a) The Secretary shall require the control agency and its members, or alternates acting as members, to account for all receipts and disbursements.

(b) Whenever any person ceases to be a member or alternate member of the control agency, such person shall account for all receipts and disbursements hereunder and deliver all property, funds, books, and records (in his possession) of the control board to his successor in office or to such person as the Secretary may designate, and such person shall execute such assignments and other instruments as may be necessary or appropriate to vest in his successor, or in such person designated by the Secretary, the right to all of the property, funds, or claims vested in such member pursuant to the provisions hereof.

(c) Upon termination or suspension of this agreement, the funds of the control agency shall be disposed of in accordance with the provisions of section 25 (b) of this agreement.

SEC. 7. *Each handler to be assessed.*

Each contracting handler shall pay to the control agency, upon demand, such contracting handler's pro rata share, as may be approved by the Secretary, of such expenses as the Secretary may find will necessarily be incurred by the control agency, during any period specified by the Secretary, for the maintenance and functioning of the control agency, as set forth in this agreement.

SEC. 8. *Shares of handlers.*

(a) The share of such expenses for each contracting handler who is a manufacturer shall be that amount which is paid to the control agency pursuant to paragraph (d), and such pro rata share is hereby approved by the Secretary. These assessments may be adjusted, from time to

time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

(b) The share of such expenses for each contracting handler, other than manufacturers, who markets his products principally through veterinarians, shall be such handler's pro rata share (to be computed by the disinterested agency selected under the provisions of paragraph (d) and shall be based upon such handler's percentage of the total of serum marketed by such handlers during the preceding calendar year) of the total amount expended in defraying the expenses of the two members of the control agency who have been selected by the Secretary to represent such contracting handlers, pursuant to the provisions of section 2. Such pro rata share of expenses shall be subject to the approval of the Secretary. These assessments may be adjusted, from time to time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

(c) The share of such expenses for each contracting handler, other than manufacturers, who markets his products principally through other channels, shall be such handler's pro rata share (to be computed by the disinterested agency selected under the provisions of paragraph (d) and shall be based upon such handler's percentage of the total of serum marketed by such handlers during the preceding calendar year) of the total amount expended in defraying the expenses of the two members of the control agency who have been selected by the Secretary to represent such contracting handlers, pursuant to the provisions of section 2. Such pro rata share of expenses shall be subject to the approval of the Secretary. These assessments may be adjusted, from time to time, by the control agency, with the approval of the Secretary, in order to provide funds sufficient in amount to cover any later findings by the Secretary of estimated expenses or the actual expenses of the control agency during the said year.

(d) On January 15 of each year while this agreement is effective, each manufacturer who is a contracting handler shall furnish the Secretary, through a disinterested agency, to be selected by the control agency and approved by the Secretary, a report which shall be sworn to and which shall set forth the amount of hyperimmune blood which has been collected by such contracting handler during the preceding calendar year, and each contracting handler, other than manufacturers, shall furnish the Secretary, through such disinterested agency, a report which shall be sworn to and which shall set forth the amount of serum marketed by such contracting handler during the preceding calendar

year. The control agency shall inform the disinterested agency concerning the total amount of expenses to be paid by contracting handlers who are manufacturers and by contracting handlers who are other than manufacturers. The pro rata share of expenses to be paid by each manufacturer who is a contracting handler shall be based upon such handler's percentage of the total amount of hyperimmune blood which has been collected by such contracting handlers during the preceding calendar year. Such payments shall become due in quarterly installments beginning January 1 of each year, and shall be made to the disinterested agency, which shall transmit the total amount received from all contracting handlers to the control agency without disclosing the amount of each payment made by individual contracting handlers. A quarterly report shall be made to the Secretary by such disinterested agency, setting forth the amount of the quarterly payment made by each contracting handler. Any funds derived from assessments or any other source which have not been expended by the control agency at the end of the calendar year shall be carried over by the control agency to be expended during the succeeding calendar year.

SEC. 9. Classes of buyers. Upon such evidence and basis as warrants a conclusion that such definitions and determination are neither unreasonable nor discriminatory, the control agency shall, subject to the disapproval of the Secretary, define all classes of buyers and handlers not defined in this agreement. The control agency, subject to the disapproval of the Secretary, shall determine in all cases on its own motion or upon request of any interested party and upon evidence reasonably sufficient to determine all essential facts relating thereto, whether any person, his employee or agent, who is a handler or about to become such comes within any class or buyers or handlers defined in this agreement or pursuant to this section, excepting consumers and dealers. Any such determination shall be reviewable from time to time as may be deemed necessary by the control agency. And, the control agency shall compile, subject to the disapproval of the Secretary, lists of persons comprising each class of buyers and handlers as defined herein or pursuant hereto, excepting consumers and dealers. Such lists with additions thereto or deletions therefrom shall be immediately filed with the Secretary and distributed to handlers. The control agency on its own motion or on request of any interested party shall determine, subject to the disapproval of the Secretary, whether in specific cases any person is a consumer or dealer as defined herein and shall immediately report such determination to the Secretary and to handlers.

SEC. 10. Open prices. (a) Each contracting handler shall file with the Secretary and the control agency, within 10 days after the effective date of this agreement, a list of his selling prices in the United States together with discounts and terms of sale, which list shall

separately set forth his selling price, applicable to serum and virus produced under each different U. S. Veterinary License as handled by him, together with discounts and terms of sale (if only one such licensed product is handled or identical prices apply to different licensed products, one selling price shall be deemed applicable to all sales) to each class of buyers, except Volume Contract Purchasers, defined in this agreement or under the provisions hereof: *Provided*, That in lieu of a price list for Volume Contract Purchasers each selling handler shall file with the control agency and with the Secretary executed copies of all contracts entered into with handlers classified as Volume Contract Purchasers by the control agency within ten days after the execution thereof. No selling price lists shall be filed for any other class or classes of buyers than those defined in this agreement or under the provisions hereof. All such filed prices shall be on a delivered basis to purchasers and shall be based on unit of 100 cc. of serum and virus; each contracting handler's selling prices, discounts and terms of sale so filed, applicable to each licensed product as set forth herein, shall be uniform for all buyers in each of the various classes of buyers defined in this agreement or under the provisions thereof, except Volume Contract Purchasers.

(b) The price list for each class of buyers filed by a contracting handler may, subject to the limitations set forth in paragraph (c) of this section, be modified at any time by such handler by filing for any class of buyers a new or amended list of prices, including discounts and terms of sale, which shall only become effective when said new or amended list shall have been on file for three days in any office designated by the control agency: *Provided, however*, That in the event such list is mailed by registered letter or telegraphed to such office, it shall be deemed to have been filed either (1) at the time during usual business hours it is actually delivered in such office, or (2) at the time during usual business hours such communication would have been received, considering the usual time required for the means of communication used, in the absence of delays in transit, whichever time is the earlier.

(c) (1) Each contracting handler agrees that he will make no sales or offers or contracts to sell, other than with a Volume Contract Purchaser, unless he has on file with the Secretary and the control agency, in conformity with paragraph (a) an effective price list including discounts and terms of sale, and that after any such price list or amended price list becomes effective he will make no sales or offers or contracts to sell at prices, discounts or terms of sale different from those set forth in his latest effective list, and will file no new or amended price list until his most recently filed price list for any class of buyers becomes effective. No contracting handler shall withdraw any filed price list prior to the effective date of such list: *Provided*, No sale shall be made to Volume Contract Purchasers unless an executed

copy of the contract under which said sale is being made is filed as is provided in paragraph (a) with the control agency and the Secretary and no sales shall be made to Volume Contract Purchasers at prices, discounts or terms of sale different from those stated in the so filed executed copy of the contract under which said sale is being made.

(2) Each contracting handler agrees that he will make no sales or shipments to any buyer or handler excepting consumers and dealers unless and until the status of the vendee as a member of a class of buyers has been determined by the control agency pursuant to section 9 of the agreement.

(3) Each contracting handler agrees to make no contract for sale or contract to sell serum and virus which provides for payment at prices, discounts, and terms of sale different from those set forth in his effective price list on file with the Secretary and control agency at the time of delivery or deliveries under any such contract: *Provided*, That contracts to sell to Volume Contract Purchasers may provide for deliveries over a period of not to exceed six months from date of contract, at prices fixed in executed copy of contract on file with the control agency and the Secretary.

(4) Each contracting handler agrees to issue an invoice and deliver same to purchaser covering each sale of serum and virus to each buyer within any class of buyers as defined herein or pursuant hereto, which invoice shall completely set forth the name and address of the purchaser, the separate quantities of serum and virus sold, the unit and total price of each such quantity, any discount allowed from invoiced prices, and the terms at which such sale was made.

(d) The control agency shall immediately upon receipt of any such new or amended list, conforming to the requirements of paragraph (c) (1), issue a copy thereof to each contracting handler, and to the Secretary. All such lists shall be immediately available to the daily and trade press and to the consuming public by means of communication at least as rapid as that used to notify handlers and the Secretary. Any such new or amended price lists which do not conform to the requirements of section 10 (a) shall not be an effective price list as required by said section and shall be returned by the secretary of the control agency to the handler filing the same, together with a statement of the reasons for non-conformity to the requirements of said section. A copy of any such price list so returned together with the statement of reasons for non-conformity shall be forwarded to the Secretary.

SEC. 11. Exceptions to filed prices. (a) The provisions of this agreement shall not apply to any sales made by any contracting handler for delivery outside the United States.

(b) If the Secretary has reason to believe, from economic data directly available to him or secured by him under the provisions of the act, that any price list, copy of contract filed hereunder, terms of sale or discount, in whole or in part, is inequitable to consumers or

handlers by reason of the fact that it may cause immediate injury by impeding the carrying out of this agreement or the effectuation of the declared policy of the act or by creating an abuse of the privilege of exemptions from the antitrust laws, he may suspend the effectiveness of such price list, copy of contract filed hereunder, term of sale or discount, in whole or in part, pending an investigation which shall be completed as soon as practicable, and he shall report such suspension to the control agency, who shall in turn immediately notify the handler whose price filing or copy of contract filed hereunder has been suspended. The Secretary may declare a filed price, contract (a copy of which has been filed hereunder), discount or term of sale, in whole or in part, to be ineffective if, after an investigation and an opportunity to be heard has been afforded the handler whose price filing or contract is questioned, the Secretary finds from the facts presented during such investigation that such price list, contract, term of sale or discount, in whole or in part, is inequitable as measured by the standards set up in this paragraph.

SEC. 12. *Handlers other than buyers.*

(a) Each contracting handler agrees that he will market anti-hog-cholera serum and hog-cholera virus only to classes of buyers and through branch houses, as defined in this agreement or pursuant to the provisions hereof.

(b) Each contracting handler agrees that anti-hog-cholera serum and hog-cholera virus marketed through his branch houses shall be sold only at prices posted by such handler.

(c) Each contracting handler agrees to file with the control agency, within ten days after this agreement becomes effective, the name and location of each branch house operated by such handler, and the name of the agent or employee in charge of each branch house; and each contracting handler agrees to furnish the aforesaid information concerning each branch house subsequently established by such handler within 10 days after the establishment of each such branch house.

SEC. 13. *Uniform sales invoices.* The control agency, subject to the disapproval of the Secretary, may formulate and adopt uniform sales invoices for contracting handlers. After the adoption of such uniform sales invoices, all sales of serum or virus by contracting handlers to all classes of buyers shall be made in accordance with the terms of such invoices, and prices and terms of sale therein shall conform to the seller's filed prices and terms of sale, effective at the time of making sales covered by such invoices.

SEC. 14. *Secret rebates.* (a) The secret payment or allowance of rebates, refunds, commissions, or unearned discounts, or receiving such rebates, refunds, commissions or unearned discounts, whether in the form of money or otherwise, or secretly extending to certain purchasers special services or privileges, not extended to all purchasers

under like terms and conditions, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice, and is prohibited.

(b) To sell other products at less than reasonable market value thereof, to loan or give any article of value to dealers or wholesalers, for the purpose or with the effect of influencing sales of serum or virus, is prohibited.

SEC. 15. *Enticing employees.* Maliciously enticing away the employees of competitors with the purpose and effect of unduly hampering, injuring, or embarrassing competitors in their business is an unfair trade practice, and is prohibited.

SEC. 16. *Defamation of competitors.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representation, or the false disparagement of the grade or quality of their serum or virus, with the tendency and capacity to mislead or deceive purchasers or prospective purchasers, is an unfair trade practice, and is prohibited.

SEC. 17. *Sale by false means.* The sale or offering for sale of any serum or virus by any false means or device which has the tendency and capacity to mislead or deceive customers or prospective customers as to the quantity, quality, or substance of such serum or virus is an unfair trade practice, and is prohibited.

SEC. 18. *Consignment shipping.* Shipping serum or virus on consignment, with the intent and with the effect of injuring a competitor, and where the effect may be to substantially lessen competition or tend to create a monopoly or to unreasonably restrain trade, is an unfair trade practice, and is prohibited.

SEC. 19. *False invoicing.* Withholding from or inserting in the invoice statements which make the invoice a false record, wholly or in part, of the transaction represented on the face thereof, is prohibited.

SEC. 20. *Misleading advertising.* (a) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement, by way of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum and virus is an unfair trade practice and is prohibited.

(b) The use by contracting handlers other than manufacturers of the words "Serum Company," "Serum Laboratories" or other equivalent words on letterheads, signs, advertising matter and otherwise where such practice tends to mislead and deceive purchasers and consumers into belief that such handler is a manufacturer, when in fact he is not, is prohibited.

SEC. 21. *Emergency reserve.* Each manufacturer who is a contracting handler shall have available on May 1 of each year a supply of completed serum equivalent to not less than forty per centum of his previous year's sales.

SEC. 22. *Who may propose amendments.* Amendments to this agreement may, from time to time, be proposed by any party to this agreement or by the control agency.

SEC. 23. *Hearing and approval relative to amendments.* After due notice and opportunity for hearing and upon determination by the Secretary that the proposed amendment has been executed by all the handlers of not less than seventy-five per cent of the volume of serum and virus handled during the then preceding marketing year (January 1-December 31), the Secretary may approve such amendment, and it shall become effective at such time as the Secretary may designate.

SEC. 24. *Effective time.* This agreement shall become effective at such time as the Secretary may determine it has been executed by all the handlers of seventy-five per cent of the volume of serum and virus handled during the preceding marketing year and may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 25. *Termination.* (a) The Secretary may at any time terminate or suspend this agreement, or any part hereof, as to all parties hereto by giving at least seven days' notice by means of a press release or in any other manner which the Secretary may determine to be appropriate.

(b) The Secretary shall terminate this agreement at the end of the then current marketing period (December 31) whenever he finds that such termination is favored by all the handlers of not less than 75 per cent of the volume of serum and virus handled during the preceding marketing period.

(c) This agreement shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

(d) Upon the termination or suspension of this agreement or of any provision thereof, the members of the control agency then functioning, or such other persons as the Secretary may from time to time designate, shall, if so ordered by the Secretary, liquidate the business of the control agency under this agreement, and dispose of all funds and property then in the possession or under the control of the control agency, together with claims for any funds which are unpaid or property not delivered at the time of such termination. The control agency or such other persons as the Secretary may designate (1) shall continue in such capacity until discharged by the Secretary, (2) shall, from time to time, account for all receipts and disbursements and deliver all funds and property on hand, together with the books and records of the control agency, to such person or persons as the Secretary shall direct, and (3) shall, upon the request of the Secretary, execute such assignments, or other instruments necessary or appropriate to vest in such person or persons full title to all the funds, property and claims vested in the control agency pursuant to this agreement. Any funds collected

for expenses pursuant to the provisions of this agreement, and held by the control agency or such person or persons, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the control agency or such person or persons, shall be returned to the contributing handlers in proportion to the contributions of each handler, or shall be expended by the control agency for a purpose not inconsistent with the provisions of this agreement and in a manner which the contracting handlers shall determine by a three-fourths vote of such handlers. The control agency or such person or persons shall observe the procedure governing the actions of the control agency as established under the provisions of section 5 of this agreement. Any person to whom funds, property or claims have been delivered by the control agency or its members upon direction of the Secretary, as provided in this paragraph, shall be subject to the same obligations and duties with respect to said funds, property, or claims as are imposed upon the members of the control agency.

SEC. 26. Duration of benefits, privileges, and immunities. The benefits, privileges and immunities conferred by virtue of this agreement shall not extend or be construed to extend further than is necessary for the purpose of carrying out the provisions of this agreement and shall cease upon its termination except with respect to acts done under and during the existence of this agreement, and benefits, privileges and immunities conferred by this agreement upon any party signatory hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this agreement.

SEC. 27. Counterparts. This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all such signatures were contained in one original.

SEC. 28. Additional parties. After this agreement first takes effect, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such contracting party.

SEC. 29. Agents of the Secretary. The Secretary may by designation in writing name any person (not a party to this agreement), including any officer or employee of the Government or bureau or division of the Department of Agriculture to act as his agent or representative in connection with any of the provisions of this agreement.

SEC. 30. Committees; Secretary may select. The Secretary may select such

committees to meet with or advise the control agency as he deems necessary for the proper functioning of the control agency under the provisions of this agreement. One such committee or its representative shall represent the interests of consumers. The expenses for the maintenance and functioning of the advisory committees may be included within the budget submitted to the Secretary for approval, pursuant to section 7 of this agreement, and may be met by the control agency from funds paid to it for the maintenance and functioning of the control agency.

SEC. 31. No derogation or modification of rights of Secretary or of the United States. Nothing contained in this agreement is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 32. Liability of members and employees of control agency. No member of the control agency nor any employee thereof shall be held responsible individually in any way whatsoever to any handler signatory hereto or any other person for errors in judgment, mistakes, or other acts either of commission or omission as such member or employee, except for acts of dishonesty. The contractual obligations of the handlers hereunder are several and not joint, and no handler shall be liable for the default of any other handler.

SEC. 33. Separability of provisions. If any provision of this agreement is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this agreement, and the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

SEC. 34. Request for order. Each signatory handler hereby requests the Secretary, to issue an order pursuant to the act, regulating the handling of serum and virus substantially in the same manner as provided in this agreement.

SEC. 35. In witness whereof, the contracting parties acting under the applicable provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

(Handler)

(Address)

Secretary of Agriculture

This report filed at Washington, D. C.,
this 15th day of September 1944.

A. W. MILLER,
Chief, Bureau of Animal Industry.

[F. R. Dec. 44-14280; Filed, Sept. 15, 1944;
11:07 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 70-A. Special Permit 532]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 12, 1944, by Plovaty Bergart Company, of car MDT 146124, potatoes, now on the Wood Street Terminal, to R. H. Oswald, Evansville, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Dec. 44-14276; Filed, Sept. 15, 1944;
11:02 a. m.]

[S. O. 70-A. Special Permit 533]

RECONSIGNMENT OF MELONS AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph (§ 95.35, 8 F.R. 14624) of Service Order No. 70-A of October 22, 1943, permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 70-A insofar as it applies to the reconsignment at Chicago, Illinois, September 12, 1944, by Al Kaiser of car FGE 34266, melons, now on the C. B. & Q. Railroad, to Altman & Schwartz, Buffalo, New York. (N. Y. C.).

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with

the Director, Division of the Federal Register.

Issued at Washington, D. C., this 12th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-14277; Filed, Sept. 15, 1944;
11:02 a. m.]

[Rev. S. O. 226, Special Permit 9]

REICING OF PEAS AT NEW YORK

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Revised Service Order No. 226 of August 24, 1944 (9 F. R. 10429) permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard the provisions of Revised Service Order No. 226 insofar as it applies to the reaping at New York, September 9, 1944, with not to exceed 5,000 pounds of ice for each of the following cars of peas on the B & O Railroad:

| | |
|-----------|-----------|
| ART 21475 | ART 20574 |
| NWX 70434 | ART 15116 |
| BRE 19355 | |

as ordered by Tassini & Salisch.

The waybills shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 9th day of September 1944.

V. C. CLINGER,
Director,
Bureau of Service.

[F. R. Doc. 44-14278; Filed, Sept. 15, 1944;
11:02 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 3519]

OREGON NEWS

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Oregon News, whose principal place of business is Portland, Oregon, is a sole proprietorship owned by Iwao Oyama and is a business enterprise within the United States;

2. That Iwao Oyama, a subject of Japan, has been interned by order of the Attorney General of the United States and is acting directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) or persons within such country;

and determining:

3. That Iwao Oyama is acting for or on behalf of or as a cloak for a designated enemy

country (Japan) or persons within such country and is a national of such designated enemy country;

4. That Oregon News is controlled by Iwao Oyama and is a national of a designated enemy country (Japan);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultations and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all right, title and interest of Iwao Oyama in and to Oregon News, a sole proprietorship, and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said Oregon News, a sole proprietorship owned by Iwao Oyama, hereinbefore more fully described, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian, to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on April 24, 1944.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-14270; Filed, Sept. 15, 1944;
10:56 a. m.]

[Vesting Order 3709]

JAPANESE CHAMBER OF COMMERCE OF SAN FRANCISCO

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the Japanese Chamber of Commerce of San Francisco is a membership, nonprofit corporation organized and doing business under the laws of the State of California and a business enterprise within the United States;

2. That 25 (26.24%) of the members of the Japanese Chamber of Commerce of San Francisco have been found by the Alien Property Custodian to be nationals of a designated enemy country (Japan);

3. That a substantial proportion of the income of the Japanese Chamber of Commerce of San Francisco (62.4%) came from Chamber of Commerce and Industry of Japan, Tokyo, Japan, and was paid on behalf of the Government of Japan, persons, firms, or corporations residing in Japan or whose principal place of business are in Japan and who are nationals of a designated enemy country (Japan);

4. That Japanese Chamber of Commerce of San Francisco and its members acting directly or indirectly for the benefit or on behalf of a designated enemy country (Japan) or persons within such country;

and determining:

5. That Japanese Chamber of Commerce of San Francisco is controlled by or acting for or on behalf of or as a cloak for a designated enemy country (Japan) or persons within such country and is a national of a designated enemy country (Japan);

6. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Japan);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian all property of any nature whatsoever, situated in the United States, owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to Japanese Chamber of Commerce of San Francisco including but not limited to the following:

(a) Bank accounts at the Yokohama Specie Bank, Ltd., San Francisco, California, in the name of Japanese Chamber of Commerce of San Francisco;

(b) Office equipment stored in building at 468 Bush Street, San Francisco, California, consisting of one Japanese-character typewriter, one typewriter table, one clock, one electric heater and an assortment of books, office accessories and stationery;

to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 23, 1944.

[SEAL.] JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 44-14271; Filed, Sept. 15, 1944;
10:56 a. m.]

[Vesting Order 3711]

KARL BUCHHOLZ

In re: Objects of art owned by Karl Buchholz.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That the last known address of Karl Buchholz is Leipziger Str. 119-20, Berlin, W 8, Germany, and that he is a resident of Germany and a national of a designated enemy country (Germany);

2. That Karl Buchholz is the owner of the property described in subparagraph 3 hereof;

3. That the property described as follows:
a. The objects of art, particularly described in Exhibit A, attached hereto and by reference made a part hereof, now in the possession of Karl Buchholz, 32 East 57th Street, New York, New York, and

b. The objects of art, particularly described in Exhibit B, attached hereto and by reference made a part hereof, now stored in the name of Buchholz Gallery, on the premises of Hudson Shipping Co., Inc., 302 East 61st Street, New York, New York,

is property within the United States owned or controlled by a national of a designated enemy country (Germany);

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany):

And having made all determinations and taken all action, after appropriate consultation and certification required by law, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt within the interest, and for the benefit, of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account, or accounts pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall this order be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on May 29, 1944.

[SEAL.] JAMES E. MARKHAM,
Alien Property Custodian.

EXHIBIT A

Inventory No., Name of Artist, Title, and Invoice Date¹

- 7, Ernst Barlach, Lovers, drawing, 7-31-37.
- 8, Ernst Barlach, The Fugitive, drawing, 7-31-37.
- 9, Ernst Barlach, Consolation, drawing, 7-31-37.
- 10, Ernst Barlach, Lying Woman, drawing, 7-31-37.
- 12, Ernst Barlach, Fisher Women, drawing, 7-31-37.
- 13, Ernst Barlach, 3 Walking Girls, drawing, 7-31-37.
- 14, Ernst Barlach, Dancing Couple, drawing, 7-31-37.
- 16, Ernst Barlach, Christ the Teacher, drawing, 7-31-37.
- 17, Ernst Barlach, Chorus Singer, drawing, 7-31-37.
- 18, Ernst Barlach, Men in Cloak, drawing, 7-31-37.
- 19, Ernst Barlach, Girl, drawing, 7-31-37.
- 20, Ernst Barlach, Head of Russian Peasant, drawing, 7-31-37.
- 21, Ernst Barlach, Attack, drawing, 7-31-37.
- 22, Ernst Barlach, Lied an die Freude, drawing, 7-31-37.
- 23, Ernst Barlach, Lied an die Freude, drawing, 7-31-37.
- 24, Ernst Barlach, Porters, drawing, 7-31-37.
- 25, Ernst Barlach, Drinking Men, drawing, 7-31-37.
- 26, Ernst Barlach, Schmerzensmutter, drawing, 7-31-37.

¹ Invoice date for certain items omitted in original document.

- 27, Ernst Barlach, Man Looking Up, drawing, 7-31-37.
- 28, Ernst Barlach, Twins, 7-31-37.
- 29, Ernst Barlach, Expectation, drawing, 7-31-37.
- 30, Ernst Barlach, Angels, drawing, 7-31-37.
- 31, Ernst Barlach, Old Woman Dancing, drawing, 7-31-37.
- 32, Ernst Barlach, Standing Girl, drawing, 7-31-37.
- 33, Ernst Barlach, Abduction, drawing, 7-31-37.
- 36, Ernst Barlach, Group in Storm, woodcut, 7-31-37.
- 37, Ernst Barlach, Woman with Dying Child, woodcut, 7-31-37.
- 39, Ernst Barlach, Mors Imperator, woodcut, 7-31-37.
- 40, Ernst Barlach, Dog Catcher, woodcut, 7-31-37.
- 42, Ernst Barlach, Robbers at the Cemetery, woodcut, 7-31-37.
- 45, Ernst Barlach, Tomb of Kings, litho., 7-31-37.
- 47, Ernst Barlach, Supporter of the Family, litho., 7-31-37.
- 49, Ernst Barlach, Dona Nobis Pacem, litho., 7-31-37.
- 50, Ernst Barlach, Adam and Eve, litho., 7-31-37.
- 51, Ernst Barlach, In the Shadow, litho., 7-31-37.
- 52, Ernst Barlach, Sacrifice, litho., 7-31-37.
- 53, Ernst Barlach, Love and Sorrow, litho., 7-31-37.
- 54, Ernst Barlach, Self-portrait, litho.
- 59, Ernst Barlach, Drinking Men, bronze, 7-31-37.
- 70, Ernst Barlach, The Doubter, bronze, 7-31-37.
- 72, Ernst Barlach, Moors, bronze, 7-31-37.
- 73, Ernst Barlach, Revenge, bronze, 7-31-37.
- 516, Ernst Barlach, Peasant Girl (Schwangeres Madchen), wood, 8-20-37.
- 780, Ernst Barlach, Freezing Girl, bronze, 11-24-37.
- 782, Ernst Barlach, Fugitive, bronze, 11-24-37.
- 814, Ernst Barlach, Seated Woman, drawing, 11-24-37.
- 815, Ernst Barlach, Angel, drawing, 11-24-37.
- 817, Ernst Barlach, Man With Falling Cloak, drawing, 11-24-37.
- 818, Ernst Barlach, Man Walking, drawing, 11-24-37.
- 819, Ernst Barlach, Resting Girl, drawing, 11-24-37.
- 820, Ernst Barlach, Shepherd, drawing, 11-24-37.
- 821, Ernst Barlach, Call, drawing, 11-24-37.
- 823, Ernst Barlach, Singing Monk, drawing, 11-24-37.
- 1350, Ernst Barlach, Beggars, litho., 11-14-38.
- 1351, Ernst Barlach, Trumpeter, litho., 11-14-38.
- 1385, Ernst Barlach, The Poor and the Rich, drawing, 11-14-38.
- 1386, Ernst Barlach, Singing Girl, drawing, 11-14-38.
- 1387, Ernst Barlach, The Beggar, drawing, 11-14-38.
- 1383, Ernst Barlach, The Blind Man, drawing, 11-14-38.
- 1389, Ernst Barlach, Peasant, drawing, 11-14-38.
- 1390, Ernst Barlach, From the "Song of Joy", drawing, 11-14-38.
- 1391, Ernst Barlach, Humility, Despair, Hope, drawing, 11-14-38.
- 1392, Ernst Barlach, Freezing Peasant, drawing, 11-14-38.
- 1393, Ernst Barlach, Grief, drawing, 11-14-38.
- 1394, Ernst Barlach, Revenge, drawing, 11-14-38.
- 431, Max Beckmann, Self-portrait, etching, 1-15-37.
- 1303, Max Beckmann, Portrait, lithograph, 11-14-38.

- 1309, Max Beckmann, Woman Dressing, drawing, 11-14-38.
 1312, Max Beckmann, Friends, etching, 11-14-38.
 1426, Max Beckmann, On the beach, oil, 797, Marc Chagall, Cellist, etching, 11-24-37.
 798, Marc Chagall, Russian Peasant, etching, 11-24-37.
 802, Marc Chagall, Composition, etching, 11-24-37.
 804, Marc Chagall, Interieur, lithograph, 11-24-37.
 789, Edgar Degas, Galloping Horse, bronze, 11-24-37.
 530, Otto Dix, Two Heads, water color, 8-18-37.
 1327, Otto Dix, Young Girl, lithograph, 11-14-38.
 1328, Otto Dix, Turk, lithograph, 11-14-38.
 2045, Otto Dix, Landscape in Southern Germany, oil, 2-11-39.
 162, Werner Gilles, Landscape, water color, 1-15-37.
 164, Werner Gilles, Fishermen, water color, 1-15-37.
 1119, Erich Heckel, Landscape, water color, 8-16-38.
 1120, Erich Heckel, Seated Girl, water color, 8-16-38.
 1141, Erich Heckel, Autumn by the Sea Coast, water color, 8-16-38.
 1320, Erich Heckel, In the Studio, woodcut, 11-14-38.
 1321, Erich Heckel, Young Girl, woodcut, 11-14-38.
 1322, Erich Heckel, Riders, etching, 11-14-38.
 1323, Erich Heckel, Roquairol, wood cut, 11-14-38.
 1324, Erich Heckel, Young Girl, woodcut, 11-14-38.
 1325, Erich Heckel, Girl, wood cut, 11-14-38.
 79, Carl Hofer, Girl with Bathing Cape, oil, 1-15-37.
 80, Carl Hofer, Flowers, oil, 1-15-37.
 81, Carl Hofer, Man's Head, water color, 1-15-37.
 82, Carl Hofer, Woman, drawing, 1-15-37.
 83, Carl Hofer, Card Players, drawing, 1-15-37.
 84, Carl Hofer, Woman in Front of Open Window, drawing, 1-15-37.
 85, Carl Hofer, Young Couple, drawing, 1-15-37.
 86, Carl Hofer, Woman's Head, drawing, 1-15-37.
 87, Carl Hofer, Seated Woman, drawing, 1-15-37.
 241, Carl Hofer, Sleeping Girl, drawing, 1-15-37.
 242, Carl Hofer, Standing Woman, drawing, 1-15-37.
 243, Carl Hofer, Standing Woman, drawing, 1-15-37.
 244, Carl Hofer, Woman with Mirror, drawing, 1-15-37.
 292, Carl Hofer, Study of Woman, drawing, 1-15-37.
 293, Carl Hofer, Seated Nude, drawing, 1-15-37.
 1360, Carl Hofer, Woman with Arrow, etching, 11-14-38.
 1361, Carl Hofer, Seated Man, lithograph, 11-14-38.
 1362, Carl Hofer, 3 Women, etching, 11-14-38.
 1363, Carl Hofer, Head of a girl, etching, 11-14-38.
 1229, Jawlensky, Alex, Study, water color, 9-7-38.
 1230, Jawlensky, Alex, Study, water color, 9-7-38.
 519, Paul Klee, Hall C, oil, 8-18-37.
 1123, Paul Klee, Christian Secterian, water color, 8-16-38.
 1301, Oskar Kokoschka, Head of a Woman, lithograph, 11-14-38.
 1303, Oskar Kokoschka, Bach Cantata, lithograph, 11-14-38.
 1306, Oskar Kokoschka, Portrait of a Girl, lithograph, 11-14-38.
 1307, Oskar Kokoschka, Portrait of a Woman, lithograph, 11-14-38.
 144, George Kolbe, Laying Athlete, bronze, 1-15-37.
 145, George Kolbe, Standing Woman, bronze, 1-15-37.
 146, George Kolbe, Standing Woman, bronze, 1-15-37.
 147, George Kolbe, Crouching Girl, bronze, 1-15-37.
 148, George Kolbe, Listening, bronze, 1-15-37.
 151, George Kolbe, Seated Nude, drawing, 1-15-37.
 153, George Kolbe, Nude, drawing, 1-15-37.
 155, George Kolbe, Nude, drawing, 1-15-37.
 156, George Kolbe, Standing Girl, drawing, 1-15-37.
 157, George Kolbe, Standing Woman, drawing, 1-15-37.
 158, George Kolbe, Kneeling Girl, drawing, 1-15-37.
 160, George Kolbe, Nude, drawing, 1-15-37.
 619, George Kolbe, Kneeling Girl, etching, 8-20-37.
 940, George Kolbe, Nude, drawing, 1-14-38.
 941, George Kolbe, Nude, drawing, 1-14-38.
 942, George Kolbe, Kneeling Girl, drawing, 1-14-38.
 943, George Kolbe, Kneeling Girl, drawing, 1-14-38.
 944, George Kolbe, Seated Man, drawing, 1-14-38.
 945, George Kolbe, Nude, drawing, 1-14-38.
 946, George Kolbe, Nude, drawing, 1-14-38.
 947, George Kolbe, Nude, drawing, 1-14-38.
 948, George Kolbe, Kneeling Woman, drawing, 1-14-38.
 949, George Kolbe, Standing Male Nude, drawing, 1-14-38.
 950, George Kolbe, Standing Girl, drawing, 1-14-38.
 951, George Kolbe, Standing Nude, drawing, 1-14-38.
 952, George Kolbe, Standing Girl, drawing, 1-14-38.
 953, George Kolbe, Standing Nude, drawing, 1-14-38.
 954, George Kolbe, Standing Man, drawing, 1-14-38.
 955, George Kolbe, Nude, drawing, 1-14-38.
 956, George Kolbe, Nude, drawing, 1-14-38.
 957, George Kolbe, Nude, drawing, 1-14-38.
 958, George Kolbe, Nude, drawing, 1-14-38.
 959, George Kolbe, Nude, drawing, 1-14-38.
 1968, George Kolbe, Girl Looking Up, bronze, 12-15-39.
 578, Kaethe Kollwitz, The Family, Lithograph, 8-10-37.
 586, Kaethe Kollwitz, Self-portrait, woodcut, 8-10-37.
 695, Kaethe Kollwitz, Sketch of Children, drawing, 8-10-37.
 806, Kaethe Kollwitz, Death Leading Woman, drawing, 11-24-37.
 807, Kaethe Kollwitz, Vagabond, drawing, 11-24-37.
 808, Kaethe Kollwitz, Woman greeting death, drawing, 11-24-37.
 809, Kaethe Kollwitz, Death and Girl, drawing, 11-24-37.
 810, Kaethe Kollwitz, Call of Death, drawing, 11-24-37.
 813, Kaethe Kollwitz, Empty Dishes, drawing, 11-24-37.
 829, Kaethe Kollwitz, Woman with Children, lithograph, 11-24-37.
 830, Kaethe Kollwitz, Wiederssehen, lithograph, 11-24-37.
 831, Kaethe Kollwitz, Versinkender, lithograph, 11-24-37.
 834, Kaethe Kollwitz, Death, lithograph, 11-24-37.
 835, Kaethe Kollwitz, Death takes children, lithograph, 11-24-37.
 836, Kaethe Kollwitz, In the Fields, etching, 11-24-37.
 838, Kaethe Kollwitz, The Captives, etching, 11-24-37.
 839, Kaethe Kollwitz, Raped, etching, 11-24-37.
 841, Kaethe Kollwitz, In the Fields, etching, 11-24-37.
 842, Kaethe Kollwitz, Revolution, etching, 11-24-37.
 844, Kaethe Kollwitz, Famished Children, lithograph, 11-24-37.
 850, Kaethe Kollwitz, Death, lithograph, 11-24-37.
 866, Kaethe Kollwitz, Death, lithograph, 11-24-37.
 867, Kaethe Kollwitz, Not (need), lithograph, 11-24-37.
 869, Kaethe Kollwitz, The End, lithograph, 11-24-37.
 873, Kaethe Kollwitz, Germinal, etching, 11-24-37.
 874, Kaethe Kollwitz, Crushed, etching, 11-24-37.
 875, Kaethe Kollwitz, Woman and Cradle, etching, 11-24-37.
 876, Kaethe Kollwitz, Woman, etching, 11-24-37.
 877, Kaethe Kollwitz, Woman, etching, 11-24-37.
 878, Kaethe Kollwitz, Self-Portrait, etching, 11-24-37.
 881, Kaethe Kollwitz, Storm, etching, 11-24-37.
 986, Kaethe Kollwitz, Mother with Sleeping boy, drawing, 1-31-38.
 987, Kaethe Kollwitz, Widow, drawing, 1-31-38.
 988, Kaethe Kollwitz, Without Work, drawing, 1-31-38.
 989, Kaethe Kollwitz, In the Corner, drawing, 1-31-38.
 1056, Kaethe Kollwitz, Waving Farewell, 4-1-38.
 1074, Kaethe Kollwitz, Call of Death, lithograph.
 1353, Kaethe Kollwitz, Prisoners, 11-14-38.
 1355, Kaethe Kollwitz, Visit in the Hospital, Woodcut, 11-14-38.
 1356, Kaethe Kollwitz, Self-Portrait, etching, 11-14-38.
 1534, Kaethe Kollwitz, Self-Portrait, woodcut, 2-13-39.
 1536, Kaethe Kollwitz, Self-Portrait, lithograph, 2-13-39.
 1542, Kaethe Kollwitz, Waiting, lithograph, 2-13-39.
 1543, Kaethe Kollwitz, Sacrifice, woodcut, 2-13-39.
 1544, Kaethe Kollwitz, Volunteers, woodcut, 2-13-39.
 1546, Kaethe Kollwitz, Widow, woodcut, 2-13-39.
 1547, Kaethe Kollwitz, Widow, woodcut, 2-13-39.
 1548, Kaethe Kollwitz, Mothers, woodcut, 2-13-39.
 1551, Kaethe Kollwitz, Call of Death, lithograph, 2-13-39.
 1552, Kaethe Kollwitz, Rebellion, etching, 2-13-39.
 1554, Kaethe Kollwitz, Woman, etching, 2-13-39.
 1601, Kaethe Kollwitz, Mother and Child, lithograph.
 1800, Kaethe Kollwitz, Self-portrait, lithograph, 10-14-39.
 1804, Kaethe Kollwitz, Volunteer, Woodcut, 10-14-39.
 1806, Kaethe Kollwitz, Church Wall, etching, 10-14-39.
 1807, Kaethe Kollwitz, Ploughers, etching, 10-14-39.
 1877, Kaethe Kollwitz, Waiting, lithograph, 10-14-39.
 1882, Kaethe Kollwitz, Death and Girl, lithograph, 10-14-39.
 1884, Kaethe Kollwitz, Beggar, lithograph, 10-14-39.
 1885, Kaethe Kollwitz, The Return, lithograph, 10-14-39.
 1886, Kaethe Kollwitz, Family, lithograph, 10-14-39.
 1887, Kaethe Kollwitz, Woman with Hands Clapsed, etching, 10-14-39.

- 1371, Alfred Kubin, Women of Weinsberg, lithograph, 11-14-38.
 1372, Alfred Kubin, Winter in the Wood, etching, 11-14-38.
 1373, Alfred Kubin, The Robber Knight, lithograph, 11-14-38.
 1414, Alfred Kubin, David and Goliath, water color.
 1443, Alfred Kubin, Fisherman's Luck, drawing, 2-11-39.
 1444, Alfred Kubin, Country Orgie, drawing, 2-11-39.
 1445, Alfred Kubin, Gottlieb, drawing, 2-11-39.
 1446, Alfred Kubin, Wild Bull, drawing, 2-11-39.
 1447, Alfred Kubin, Child Murder, drawing, 2-11-39.
 1448, Alfred Kubin, A New Robinson, drawing, 2-11-39.
 1449, Alfred Kubin, Shepherd, drawing, 2-11-39.
 1450, Alfred Kubin, Burglar, drawing, 2-11-39.
 1451, Alfred Kubin, Landscape, drawing, 2-11-39.
 1475, Alfred Kubin, Gulliver, etching.
 1476, Alfred Kubin, Hanted House, lithograph.
 1477, Alfred Kubin, Horse, lithograph.
 1478, Alfred Kubin, Horse, lithograph.
 1479, Alfred Kubin, Woman Sleeping, lithograph.
 1480, Alfred Kubin, Pierrot, lithograph.
 1481, Alfred Kubin, Hunter and Woman, lithograph.
 532, Fernand Leger, Le Repos, oil, 8-18-37.
 487, Wilhelm Lehmbruck, Woman, etching, 8-23-37.
 493, Wilhelm Lehmbruck, Woman's Head, lithograph.
 490, Wilhelm Lehmbruck, Woman's Head, lithograph.
 1460, Wilhelm Lehmbruck, Mother and Child, etching.
 1470, Wilhelm Lehmbruck, Head of a Woman, etching.
 90, August Macke, Zoo, water color, 1-15-37.
 91, August Macke, Woman in Red Chair.
 92, August Macke, Comedy Scene, water color, 1-15-37.
 93, August Macke, Oriental Scene, water color, 1-15-37.
 94, August Macke, Street with Cathedral, drawing, 1-15-37.
 95, August Macke, Meeting, drawing, 1-15-37.
 96, August Macke, Mother and Child, water color, 1-15-37.
 97, August Macke, Two Men Beside the River, drawing, 1-15-37.
 98, August Macke, Woman's Head, drawing, 1-15-37.
 99, August Macke, Old Man with Hat.
 1117, August Macke, Lady in the Park, oil, 8-16-38.
 1118, Heinrich Campendone, Woman and Animals, woodcut, 8-16-38.
 89, Gerhard Marcks, Portrait Mrs. M. M., drawing, 1-15-37.
 255, Gerhard Marcks, Grieving Eros, bronze 1-15-37.
 265, Gerhard Marcks, Portrait, drawing, 1-15-37.
 268, Gerhard Marcks, Alcina, drawing, 1-15-37.
 269, Gerhard Marcks, Julo, drawing, 1-15-37.
 271, Gerhard Marcks, Philomene, drawing, 1-15-37.
 272, Gerhard Marcks, Philomene, drawing, 1-15-37.
 273, Gerhard Marcks, Philomene, drawing, 1-15-37.
 274, Gerhard Marcks, Lying Woman, drawing, 1-15-37.
 275, Gerhard Marcks, Barbara, drawing, 1-15-37.
 282, Gerhard Marcks, Standing Girl, drawing, 1-15-37.
 283, Gerhard Marcks, Child's Portrait, drawing, 1-15-37.
 284, Gerhard Marcks, Sketch, drawing, 1-15-37.
 286, Gerhard Marcks, Girl with Shawl, drawing, 1-15-37.
 287, Gerhard Marcks, Standing Girl, drawing, 1-15-37.
 288, Gerhard Marcks, Girl with Shawl, drawing, 1-16-37.
 420, Gerhard Marcks, Ino, bronze, 1-15-37.
 422, Gerhard Marcks, Jolo, lithograph, 1-15-37.
 423, Gerhard Marcks, Girl's Head, lithograph, 1-15-37.
 424, Gerhard Marcks, Portrait of a Girl, litho., 1-15-37.
 495, Gerhard Marcks, Standing Girl with Apple, bronze, 8-20-37.
 496, Gerhard Marcks, Friends, bronze, 8-20-37.
 498, Gerhard Marcks, Violinist, bronze, 8-20-37.
 499, Gerhard Marcks, Nanna, bronze, 8-20-37.
 500, Gerhard Marcks, Seated Girl, bronze, 8-20-37.
 502, Gerhard Marcks, Italian peasant, bronze, 8-20-37.
 504, Gerhard Marcks, Brigitte, bronze, 8-20-37.
 595, Gerhard Marcks, Amazon, drawing, 8-20-37.
 599, Gerhard Marcks, Ino, drawing, 8-20-37.
 603, Gerhard Marcks, Barbara, drawing, 8-20-37.
 604, Gerhard Marcks, Seated Girl, drawing, 8-20-37.
 605, Gerhard Marcks, Lying Girl, drawing, 8-20-37.
 607, Gerhard Marcks, Demeter, drawing, 8-20-37.
 612, Gerhard Marcks, Standing Nude, drawing, 8-20-37.
 613, Gerhard Marcks, Girl with Cloak, drawing, 8-20-37.
 614, Gerhard Marcks, Seated Girl, drawing, 8-20-37.
 793, Gerhard Marcks, Kneeling Girl with outstretched Arms, bronze, 11-24-37.
 794, Gerhard Marcks, Regula, drawing, 11-24-37.
 795, Gerhard Marcks, Standing Girl, bronze, 11-24-37.
 796, Gerhard Marcks, Seated Youth, bronze, 11-24-37.
 1060, Gerhard Marcks, Crane, bronze.
 1132, Gerhard Marcks, Man with Sword, bronze, 8-16-38.
 1231, Gerhard Marcks, Nude with raised Hand, drawing, 9-7-38.
 1232, Gerhard Marcks, Nude, drawing, 9-7-38.
 1233, Gerhard Marcks, Walking Girl, drawing, 9-7-38.
 1235, Gerhard Marcks, Nude, drawing, 9-7-38.
 1236, Gerhard Marcks, Nude, drawing, 9-7-38.
 1237, Gerhard Marcks, Nude, drawing, 9-7-38.
 1238, Gerhard Marcks, Nude, drawing, 9-7-38.
 1251, Gerhard Marcks, Hand, bronze, 9-7-38.
 1482, Gerhard Marcks, Portrait of a Girl, litho.
 1483, Gerhard Marcks, Portrait of a Girl, litho.
 1484, Gerhard Marcks, Portrait of a Girl, litho.
 1485, Gerhard Marcks, Portrait of a Girl, litho.
 1486, Gerhard Marcks, Standing Girl, drawing.
 1621, Gerhard Marcks, Grazing Horse, bronze, 4-28-39.
 1623, Gerhard Marcks, Crane, bronze, 4-28-39.
 1624, Gerhard Marcks, Crane, bronze, 4-28-39.
 1972, Gerhard Marcks, Junitau, bronze, 12-15-39.
 1983, Gerhard Marcks, Heron, bronze, 12-15-39.
 1339, Otto Mueller, Couple at the Table, lithograph, 11-14-38.
 1331, Otto Mueller, 2 Nudes, lithograph, 11-14-38.
 1332, Otto Mueller, Gypsies, lithograph, 11-14-38.
 1336, Otto Mueller, Nude at the water, lithograph, 11-14-38.
 1335, Otto Mueller, Two Girls, lithograph, 11-14-38.
 1338, Otto Mueller, Nude before the Mirror, lithograph, 11-14-38.
 1339, Otto Mueller, Hindu Girl, lithograph, 11-14-38.
 1340, Otto Mueller, Nude under Trees, lithograph, 11-14-38.
 1341, Otto Mueller, Reclining Nude, lithograph, 11-14-38.
 1342, Otto Mueller, Nude with Mirror, lithograph, 11-14-38.
 1343, Otto Mueller, Girl Lying Down, 11-14-38.
 1344, Otto Mueller, Pair with Masks, lithograph, 11-14-38.
 327, E. V. Nay, Seashore, oil, 1-15-37.
 1452, E. V. Nay, Composition, water color, 1-25-39.
 1456, E. V. Nay, Landscape, water color, 1-25-39.
 1453, E. V. Nay, Landscape, water color, 1-25-39.
 1459, E. V. Nay, Landscape, water color, 1-25-39.
 1121, Emil Nolde, Sailboats, water color, 8-16-38.
 1208, Emil Nolde, Tinsel Tangel, Col. Litho.
 1315, Emil Nolde, Sick Man and Doctor, etching, 11-14-38.
 1317, Emil Nolde, Woman, Man and Servant, etching, 11-14-38.
 1318, Emil Nolde, Dancers, water color, 11-14-38.
 1319, Emil Nolde, Three Kings, water color, 11-14-38.
 523, Gaston Louis Roux, Woman with Fan, oil, 8-18-37.
 114, Schmidt-Rottluff, K., Yellow Iris, water color, 1-15-37.
 117, Schmidt-Rottluff, K., Church on the River, water color, 1-15-37.
 834, Schmidt-Rottluff, K., Landscape, water color, 11-24-37.
 833, Schmidt-Rottluff, K., Haystacks, water color, 11-24-37.
 1345, Schmidt-Rottluff, K., At the Beach, wood cut, 11-14-38.
 1346, Schmidt-Rottluff, K., Head, lithograph, 11-14-38.
 1348, Schmidt-Rottluff, K., Head of a Girl, wood cut, 11-14-38.
 126, Renee Sintenis, Rearing Pony, bronze, 1-15-37.
 362, Renee Sintenis, Two Ponies, bronze.
 597, Renee Sintenis, Self-portrait, bronze, 8-20-37.
 511, Renee Sintenis, Young Donkey, bronze, 8-20-37.
 512, Renee Sintenis, Colt, bronze, 8-20-37.
 625, Renee Sintenis, Two Cows, etching, 8-20-37.
 627, Renee Sintenis, Two Deer, etching, 8-20-37.
 633, Renee Sintenis, Standing Colt, etching, 8-20-37.
 834, Renee Sintenis, Standing Boy, etching, 8-20-37.
 639, Renee Sintenis, Two Giraffes, etching, 8-20-37.
 694, Renee Sintenis, Scotch Terrier, etching, 8-20-37.

889, Renee Sintenis, Playing Dogs, bronze, 12-7-37.
 890, Renee Sintenis, Walking Ram, bronze, 11-25-37.
 1136, Renee Sintenis, Scratching Dog, bronze, 8-16-38.
 1139, Renee Sintenis, Dashing Dog, bronze, 8-16-38.
 1208, Renee Sintenis, Skye Terrier.
 1243, Renee Sintenis, Kicking Foal, bronze, 9-7-38.
 1253, Renee Sintenis, Standing Foal, etching.
 1254, Renee Sintenis, Two Colts Playing, etching.
 1258, Renee Sintenis, Two Colts Running, etching.
 1260, Renee Sintenis, Standing Colt, etching.
 1261, Renee Sintenis, Standing Colt, etching.
 1262, Renee Sintenis, Standing Colt, etching.
 1264, Renee Sintenis, Two Colts Playing, etching.
 1267, Renee Sintenis, Boy with Colt, etching.
 1268, Renee Sintenis, Boy with Colt, etching.
 1269, Renee Sintenis, Two Colts, etching.
 1270, Renee Sintenis, Two Colts, etching.
 1273, Renee Sintenis, Two Colts, etching.
 1275, Renee Sintenis, Colt, etching.
 1276, Renee Sintenis, Colt, etching.
 1277, Renee Sintenis, Colt, etching.
 1365, Renee Sintenis, Colt, etching, 11-14-38.
 1367, Renee Sintenis, Boy with Dog, etching, 11-14-38.
 1368, Renee Sintenis, Boy before Mirror, etching, 11-14-38.
 1677, Renee Sintenis, Galloping Colt, bronze, 12-15-39.
 1978, Renee Sintenis, Young Camel, bronze, 12-15-39.
 1980, Renee Sintenis, Young Donkey, bronze, 12-15-39.

EXHIBIT B

Inventory No., Name of Artist, Title, and Invoice Date

529, Heinrich Campendone, In the Forest, Oil, 8-18-37.
 1112, Heinrich Campendone, Nude and Goats, Oil, 8-16-38.
 1113, Heinrich Campendone, Moonlight, Oil, 8-16-38.
 1114, Heinrich Campendone, Portrait of a child, oil, 8-16-38.
 1115, Heinrich Campendone, Two Heads, oil, 8-16-38.
 1116, Heinrich Campendone, Full Moon, oil, 8-16-38.
 Franz Marc, Waterfall, oil, 2-11-39.

[F. R. Doc. 44-14272; Filed, Sept. 15, 1944; 10:57 a. m.]

[Vesting Order 4037]

FRANZ MAYER STUDIOS, INC.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That of the outstanding capital stock of Franz Mayer Studios, Inc., a corporation organized and doing business under the laws of the State of New York and a business enterprise within the United States, consisting of 600 shares of the par value of \$100 each, 470 (78 1/3%) are registered in the names of and are beneficially owned by the persons as set forth below and are evidence of control of Franz Mayer Studios, Inc.

Registered Owner, Number of Shares, and Beneficial Owner

Franz B. Mayer and Company of Munich, 100, Franz B. Mayer and Company of Munich, Tiroler Glasmalerei und Mosaikanstalt, 120, Tiroler Glasmalerei und Mosaikanstalt, Helmut Ammann, 260, Franz B. Mayer and Company of Munich.
 Total, 470.

2. That Franz B. Mayer and Company of Munich (also known as Franz Mayer'sche Hofkunstanstalt) whose last known address is Munich, Germany is a co-partnership organized and doing business under the laws of Germany and is a national of a designated enemy country (Germany);

3. That Tiroler Glasmalerei und Mosaikanstalt, whose last known address is Innsbruck, Germany, is a business enterprise doing business under the laws of Germany and is a national of a designated enemy country (Germany); and determining:

4. That Franz Mayer Studios, Inc., is controlled by Franz B. Mayer and Company of Munich, Munich, Germany, and Tiroler Glasmalerei und Mosaikanstalt of Innsbruck, Germany, and is a national of a designated enemy country (Germany);

5. That to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

and having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the 470 shares of \$100 par value capital stock of Franz Mayer Studios, Inc., hereinbefore more fully described in subparagraph 1 above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States, and hereby undertakes the direction, management, supervision and control of said business enterprise and all property of any nature whatsoever situated in the United States, owned or controlled by, payable or deliverable to, or held on behalf of or on account of, or owing to said business enterprise, to the extent deemed necessary or advisable from time to time by the Alien Property Custodian.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to vary the extent of or terminate such direction, management, supervision or control, or return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1, a notice of claim, together with a request for a

hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on August 16, 1944.

[SEAL]

JAMES E. MARKHAM,
 Alien Property Custodian.

[F. R. Doc. 44-14273; Filed, Sept. 15, 1944; 10:57 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Special Order ODT B-58]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ASHLAND, KY., AND CATLETTSBURG, KY.

Pursuant to the Act of May 31, 1941, as amended by the Second War Powers Act, 1942, Executive Orders 8989, as amended, and 9156, and War Production Board Directive 21; and in order to secure maximum use of existing transportation facilities; to conserve and providently utilize vital equipment, material, and supplies; to prevent possible traffic congestion, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war; and being satisfied that the fulfillment of requirements for the defense of the United States will result in a shortage of transportation materials and facilities for defense and for private account, *It is hereby ordered, That:*

(1) Ohio Valley Bus Company, Huntington, West Virginia, and C. E. Fannin, doing business as The Blue Ribbon Lines, Ashland, Kentucky (hereinafter called "carriers"), respectively, in the transportation of passengers on the routes served by them between Ashland, Kentucky, and Catlettsburg, Kentucky, as common carriers by motor vehicle shall:

(a) Honor each other's tickets and tokens, except interchange of transfers, between all points common to their lines where equal fares apply and divert to each other traffic routed between such points for the purpose of relieving overloads and reducing the operation of additional equipment in extra sections;

(b) Adjust and establish schedules to eliminate duplication of times of departure of the respective carriers and provide reasonable frequency of service throughout the day, as set forth in schedules submitted to the Office of Defense Transportation under date of August 9, 1944;

(c) Wherever practicable eliminate duplicate depot facilities and commission ticket agencies and, in lieu thereof, utilize joint depot facilities and joint commission ticket agencies. Contracts, agreements, and arrangements for any

such joint facilities and agencies shall not extend beyond the effective period of this order. At such depot facilities and commission ticket agencies used jointly by the carriers, service, travel information, and ticket sales shall be impartial, without preference or discrimination for or against either of such carriers;

(2) The provisions of this order shall not be so construed or applied as to require either carrier to perform any service beyond its transportation capacity, or to permit either carrier to alter its legal liability to any passenger. In the event compliance with any term of this order would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier, such carrier shall apply forthwith to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

(3) Each of the carriers shall file a copy of this order forthwith with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and shall likewise file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on one day's notice.

(4) The provisions of this order shall be subject to any special permit issued by the Division Director, Passenger Operations Division, Highway Transport Department, Office of Defense Transportation, to meet specific needs or special circumstances.

(5) Communications concerning this order should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C., and should refer to "Special Order ODT B-58."

This Special Order ODT B-58 shall become effective September 22, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of September 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

[F. R. Doc. 44-14265; Filed, Sept. 14, 1944;
5:09 p. m.]

[Supp. Order ODT 3, Rev. 331]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN DENTON AND WHITESBORO, TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered, That:*

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectua-

¹ Filed as part of the original document.

tion of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of September, 1944.

J. M. JOHNSON,
Director,
Office of Defense Transportation.

APPENDIX 1

Central Freight Lines, Inc., Waco, Tex.
The Texas and Pacific Motor Transport (a corporation), Gould Building, Dallas, Tex.

[F. R. Doc. 44-14263; Filed, Sept. 14, 1944;
5:03 p. m.]

[Supp. Order ODT 3, Rev. 332]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN KNOXVILLE, TENN., AND ATLANTA, GA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778), a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not

¹ Filed as part of the original document.

be authorized under, the existing interstate or intrastate operating authority of any carrier subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of September 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Huber & Huber Motor Express, Inc., Eighth and Kentucky Streets, Louisville, Ky.

The Mason & Dixon Lines, Incorporated, 212 First National Bank Building, Kingsport, Tenn.

Hoover Motor Express Co., Inc., 415 Fifth Avenue South, Nashville, Tenn.

Dixie Ohio Express Co., Inc., 1031 Switzer Avenue, Akron, Ohio.

[F. R. Doc. 44-14264; Filed, Sept. 14, 1944; 5:09 p. m.]

[Supp. Order ODT 3, Rev. 334]

COMMON CARRIERS

COORDINATED OPERATIONS BETWEEN ST. LOUIS, MO., AND OKLAHOMA CITY, OKLA.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the persons named in Appendix 1 hereof to facilitate compliance with the requirements and purposes of General Order ODT 3, Revised, as amended, (7 F.R. 5445, 6689, 7694; 8 F.R. 4660, 14582; 9 F.R. 947, 2793, 3264, 3357, 6778) a copy of which plan is attached hereto as Appendix 2,¹ and

It appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services, and equipment, and to conserve and providently utilize vital equipment, materials, and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, *It is hereby ordered*, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations, and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.

3. Whenever transportation service is performed by one carrier in lieu of service by another carrier, by reason of a diversion, exchange, pooling, or similar act made or performed pursuant to the plan for joint action hereby approved, the rates, charges, rules, and regulations governing such service shall be those that would have applied except for such diversion, exchange, pooling, or other act.

4. The provisions of this order shall not be so construed or applied as to require any carrier subject hereto to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier

subject hereto, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. Withdrawal of a carrier from participation in the plan for joint action hereby approved shall not be made without prior approval of the Office of Defense Transportation.

7. The provisions of this order shall be binding upon any successor in interest to any carrier named in this order. Upon a transfer of any operation involved in this order, the successor in interest and the other carriers named in this order forthwith shall notify, in writing, the Office of Defense Transportation of the transfer and, unless and until otherwise ordered, the successor in interest shall perform the functions of his predecessor in accordance with the provisions of this order.

8. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

9. Communications concerning this order should refer to it by the supplementary order number which appears in the caption hereof, and, unless otherwise directed, should be addressed to the Highway Transport Department, Office of Defense Transportation, Washington 25, D. C.

This order shall become effective September 19, 1944, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 15th day of September 1944.

J. M. JOHNSON,
Director,

Office of Defense Transportation.

APPENDIX 1

Be Mac Transport Co., Inc., 1316 North 14th Street, St. Louis, Mo.

Consolidated Forwarding Co., Inc., 1313 North 7th Street, St. Louis, Mo.

Frisco Transportation Co., (a corporation), Ninth and Olive Streets, St. Louis, Mo.

Tri-State Motor Transport, Inc., Fourth and Maiden Lane, Joplin, Mo.

Campbell "66" Express, Inc., Springfield, Mo.

Best Motor Lines, Inc., 1210 South Lamar Avenue, Dallas, Tex.

Riss & Co., Inc., 124 West 4th Street, Kansas City, Mo.

No. 186—4

W. G. Burgess, doing business as Reliable Motor Freight Line, 8 North Greenwood Avenue, Tulsa, Okla.

Roadway Express, Inc., 97 East South Street, Akron, Ohio.

[F. R. Doc. 44-14263; Filed, Sept. 14, 1944; 5:10 p. m.]

OFFICE OF PRICE ADMINISTRATION.

[MPR 64, Amdt. 1 to Order 146]

ANDES RANGE AND FURNACE CORP.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders 9250 and 9328, and in accordance with section 10 of Maximum Price Regulation No. 64 and section 9.3 of Revised Supplementary Regulation No. 14 it is ordered that Order No. 146 under Maximum Price Regulation No. 64 be amended in the following respect:

Paragraph (b) is amended by adding the following paragraph at the end thereof:

Those retailers who did not have a maximum price established for the Model No. 105 prior to April 18, 1944, shall establish as their maximum price for that model range the total of the following two figures: (1) a maximum price determined under the General Maximum Price Regulation on the basis of a delivered cost of \$66.69; (2) the increase of \$12.30 permitted by this paragraph. The sum of these two figures constitutes the seller's new maximum price for that model.

This amendment shall become effective September 16, 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14296; Filed, Sept. 15, 1944; 11:50 a. m.]

[MPR 64, Order 153]

F. O. SCHOEDINGER

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, and in accordance with section 10 of Maximum Price Regulation No. 64, and section 9.3 of Revised Supplementary Regulation No. 14, it is ordered:

(a) F. O. Schoedinger, 322-358 Mount Vernon Avenue, Columbus, Ohio, may sell and deliver the following nine mod-

els of gas space heaters which he manufactures, at prices no higher than those arrived at by applying to the maximum list prices specified below, his customary trade discounts to every class of purchaser in effect during the period January 15 to June 1, 1941:

| Model No: | Maximum list price |
|-----------|--------------------|
| JTA-2 | 317.94 |
| KTA-2 | 23.84 |
| KTA-3 | 23.92 |
| KTA-4 | 33.57 |
| LTA-3 | 22.75 |
| LTA-4 | 27.54 |
| LTA-5 | 33.33 |
| TCA-5 | 43.23 |
| TC-32 | 77.25 |

The maximum prices so determined are f. o. b. Columbus, Ohio, and are subject to a cash discount of 2% for payment within 10 days, net 30 days. These prices are also subject to all other terms, discounts, allowances, and price differentials no less favorable than those in effect during the period January 15 to June 1, 1941.

(b) Wholesale distributors and retailers whose present maximum prices for the gas space heaters listed above were established under Maximum Price Regulation No. 210, may sell and deliver the listed models at prices no higher than those arrived at by adding to their established maximum prices in effect for each heater prior to the effective date of this order, the dollars-and-cents amount by which their acquisition cost of each model of heater has been increased by the adjustment herein granted to the manufacturer. The sum of these two figures shall constitute the seller's new maximum price for the particular model.

(c) At the time of or prior to the first invoice to each purchaser for resale after the effective date of this order, for the sale of any heater for which a maximum price is established by this order, F. O. Schoedinger and every wholesale distributor shall notify the purchaser of the conditions set by this order which are applicable to the purchaser, and the method provided by this order for determining maximum prices for resales by the purchaser. This notice may be given in any convenient form, and must set forth specifically the dollars-and-cents amount by which the purchaser for resale may increase his previously established maximum prices in accordance with the terms of this order. In addition, within ten days after issuing each different notification to the trade required under this paragraph, the manufacturer must file a copy thereof with the Office of Price Administration, Washington, D. C.

(d) This order may be revoked or amended by the Price Administrator at any time.

(e) This order shall become effective September 16, 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14283; Filed, Sept. 15, 1944; 11:50 a. m.]

[MPR 188, Order 2294]

HINSHAW MFG. CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, *it is ordered:*

(a) This order establishes maximum prices for sales and deliveries of two items of unfinished and two items of finished chests of drawers manufactured by Hinshaw Manufacturing Company, P. O. Box 162, West Sacramento, California.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

| Article | Model No. | Maximum price to persons, other than retailers, who resell from manufacturer's stock | Maximum price to retailers |
|------------------------------|----------------|--|----------------------------|
| Unfinished chest of drawers. | 15 x 25 x 40.. | Each \$3.96 | Each \$4.66 |
| Unfinished chest of drawers. | 15 x 30 x 40.. | 4.89 | 5.75 |
| Finished chest of drawers. | 15 x 25 x 40.. | 4.77 | 5.61 |
| Finished chest of drawers. | 15 x 30 x 40.. | 5.70 | 6.70 |

These prices are f. o. b. factory.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

| Article | Model No. | Maximum price to retailers |
|------------------------------|-------------------|----------------------------|
| Unfinished chest of drawers. | 15 x 25 x 40..... | Each \$4.66 |
| Unfinished chest of drawers. | 15 x 30 x 40..... | 5.75 |
| Finished chest of drawers. | 15 x 25 x 40..... | 5.61 |
| Finished chest of drawers. | 15 x 30 x 40..... | 6.70 |

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 16th day of September 1944.

Issued this 15th day of September, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14289; Filed, Sept. 15, 1944; 11:50 a. m.]

[MPR 188, Order 2295]

COLMAN FUREDI

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *it is ordered:*

(a) The maximum prices for all sales and deliveries by Colman Furedi, 503 Brook Avenue, Bronx, New York, of wooden shelves of his manufacture, as described in his applications dated January 15, 1944, February 18, 1944 and March 25, 1944 after such articles became subject to Maximum Price Regulation No. 188, are as follows:

| Article | Model | Maximum price to jobbers | Maximum price to retailers |
|-----------------------|-------|--------------------------|----------------------------|
| Unfinished shelf..... | 18" | Per dozen \$5.55 | Per dozen \$6.94 |
| Finished shelf..... | 18" | 6.20 | 7.75 |
| Unfinished shelf..... | 24" | 7.12 | 8.90 |
| Finished shelf..... | 24" | 8.03 | 10.10 |
| Mirror shelf..... | | 14.40 | 18.00 |

These prices are for the sales and delivery of the articles described in the manufacturer's applications dated January 15, 1944, February 18, 1944, and

March 25, 1944. They are f. o. b. factory and subject to cash discount of 2% for payment within ten days, net thirty days.

(b) The maximum prices for all sales and deliveries at wholesale for the shelves described in paragraph (a) above shall be the prices set forth below as follows:

| Article | Model | Maximum price to retailers |
|-----------------------|-------|----------------------------|
| Unfinished shelf..... | 18" | Per dozen \$6.94 |
| Finished shelf..... | 18" | 7.75 |
| Unfinished shelf..... | 24" | 8.90 |
| Finished shelf..... | 24" | 10.10 |
| Mirror shelf..... | | 18.00 |

These prices are for the sales and delivery of the articles described in the manufacturer's applications dated January 15, 1944, February 18, 1944 and March 25, 1944. They are f. o. b. factory and subject to terms, allowances and discounts no less favorable than those customarily granted by the seller.

(c) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.

(d) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(e) This Order No. 2295 may be revoked or amended by the Price Administrator at any time.

This Order No. 2295 shall become effective on the 16th day of September 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14290; Filed, Sept. 15, 1944; 11:51 a. m.]

[MPR 188, Order 2296]

COLONIAL KNIFE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and Executive Order Nos. 9250 and 9328, *it is ordered:*

(a) The maximum prices for all sales and deliveries by the Colonial Knife Company, Oak and Agnes Streets, Providence, Rhode Island, of a knife of its manufacture, as described in its application dated April 4, 1944, and after such article became subject to Maximum Price Regulation No. 188, are as follows:

[MPR 188, Order 2307]

RIEMER CHILDREN'S FURNITURE CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act, as amended, the Stabilization Act of 1942, as amended, Executive Orders Nos. 9250 and 9328, *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries, of a total of 2000 child's sofas, child's rockers, and child's chairs manufactured by Riemer Children's Furniture Company, 2080 Washington Street, Boston, Massachusetts.

(1) (i) For all sales and deliveries since the effective date of Maximum Price Regulation No. 188, by the manufacturer to retailers, and by the manufacturer to persons, other than retailers, who resell the articles from the manufacturer's stock, the maximum prices are those set forth below:

| Article | Model | Maximum price to persons, other than retailers, who resell from manufacturer's stock | Maximum price to retailers |
|--------------|---------------|--|----------------------------|
| Chair..... | Juvenile..... | \$4.34 | \$5.11 |
| Rockers..... | Juvenile..... | 5.00 | 5.83 |
| Sofa..... | Juvenile..... | 7.02 | 8.23 |

These prices are f. o. b. factory and are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 11, 1944 when covered in a fabric costing the manufacturer 35¢ per yard.

(ii) For all sales and deliveries by the manufacturer to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined by applying to the prices specified in subdivision (1) (i) of this paragraph (a), the discounts, allowances, and other price differentials made by the manufacturer, during March 1942, on sales of the same type of article to the same class of purchaser and on the same terms and conditions. If the manufacturer did not make such sales during March 1942 he must apply to the Office of Price Administration, Washington, D. C., under the fourth pricing method, § 1499.158, of Maximum Price Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until authorized by the Office of Price Administration.

(2) (i) For all sales and deliveries on and after the effective date of this order to retailers by persons, other than the manufacturer, who sell from the manufacturer's stock, the maximum prices are those set forth below, f. o. b. factory:

| Article | Model | To jobbers or distributors who stock the knives | Maximum price to retailers |
|---------------------|----------------|---|----------------------------|
| Commando knife..... | 5½" blade..... | Each \$9.825 | Each \$1 |

These prices are for the sales and delivery of the article described in the manufacturer's application dated April 4, 1944. They are f. o. b. factory and subject to a cash discount of 2% for payment within ten days, net thirty days.

(b) The maximum price for all sales and deliveries at wholesale for the knife described in paragraph (a) above shall be the price set forth below as follows:

| Article | Model | Maximum price to retailers |
|---------------------|----------------|----------------------------|
| Commando knife..... | 5½" blade..... | Each \$1 |

These prices are for the sale and delivery of the article described in the manufacturer's application dated April 4, 1944. They are f. o. b. factory and subject to a cash discount of 2% for payment within ten days, net thirty days.

(c) The maximum price for a sale at retail by any person of the knife described in paragraph (a) above shall be as follows:

| Article | Model | Maximum price to consumers |
|---------------------|----------------|----------------------------|
| Commando knife..... | 5½" blade..... | Each \$1.50 |

(d) On each knife shipped to a purchaser for resale, the manufacturer shall attach a tag or label which plainly states the retail selling price.

(e) At the time of the first invoice, the manufacturer shall notify in writing each purchaser who buys from it of the maximum prices established by this order for resales by the purchaser. Since this order also establishes maximum prices for sales by all jobbers to jobbers and retailers, each jobber who resells any commodity covered by this order must notify his purchaser of the maximum prices established by this order for sales by the purchaser. This written notice may be given in any convenient form.

(f) Unless the context otherwise requires, the definitions set forth in § 1499.20 of the General Maximum Price Regulation shall apply to the terms used herein.

(g) This Order No. 2296 may be revoked or amended by the Price Administrator at any time.

This Order No. 2296 shall become effective on the 16th day of September 1944.

Issued this 15th day of September, 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14291; Filed, Sept. 15, 1944;
11:50 a. m.]

| Article | Model | Maximum price to retailers |
|--------------|---------------|----------------------------|
| Chair..... | Juvenile..... | Each \$5.11 |
| Rockers..... | Juvenile..... | 5.83 |
| Sofa..... | Juvenile..... | 8.23 |

These prices are subject to a cash discount of two percent for payment within ten days, net thirty days, and are for the articles described in the manufacturer's application dated August 11, 1944 when covered in a fabric costing the manufacturer 35¢ per yard.

(ii) For all sales and deliveries by persons who sell from the manufacturer's stock, to any other class of purchaser or on other terms and conditions of sale, the maximum prices shall be those determined under the applicable provisions of the General Maximum Price Regulation.

(b) At the time of or prior to the first invoice to each purchaser, other than a retailer, who resells from the manufacturer's stock, the manufacturer shall notify the purchaser for resale of the maximum prices and conditions established by subparagraph (a) (2) of this order for such resales. This notice may be given in any convenient form.

(c) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective on the 16th day of September 1944.

Issued this 15th day of September 1944.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 44-14292; Filed, Sept. 15, 1944;
11:48 a. m.]

WAR MANPOWER COMMISSION.

NEW HAVEN, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the New Haven Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. General.
6. Issuance of statements of availability by employers.
7. Issuance of statements of availability by United States Employment Service.
8. Referral in case of under-utilization.
9. Workers who may be hired only upon referral by the United States Employment Service.
10. Hiring contrary to the program.
11. Exclusions.
12. Appeals.
13. Statements of availability.
14. Solicitation of workers.
15. Hiring.
16. Representation.
17. General referral policies.
18. Seniority.
19. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the New Haven Area, subject to approval by the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities.
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

(a) The New Haven Area is the area comprised of the towns of New Haven, East Haven, West Haven, Hamden, North Haven, Woodbridge, Orange, Bethany, Branford, North Branford, Guilford, and Madison.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission.

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the New Haven Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix A and may be amended from time to time by the Area Manpower Director.

(g) Essential activity means any activity included in the War Manpower Commission List of Essential Activities.

(h) Locally needed activity means any activity approved by the Regional Manpower Director as a locally needed activity. (9 F.R. 3439)

(i) The terms "employment" and "work" as applied to an individual en-

gaged in principal and supplementary employment means his principal employment.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the New Haven Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the Area, if the work is to be performed within the Area.

SEC. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the New Haven Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this Committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 6. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 7. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 6 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 6 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will reemploy the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission employment stabilization program, regulation or policy, and for so long as such employer continues his non-compliance after such finding. An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

SEC. 8. Referral in case of underutilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 9. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation;

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix A), or his statement of availability indicates that his last employment was in such an occupation;

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period;

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 10. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service promptly release from employment any worker hired,

(a) In violation of this program, or
(b) Upon referral by the United States Employment Service, if made as a result of any misrepresentations on the part of such worker pertaining to previous employment, when otherwise a referral would not have been made, or if it is found that it should not have been made in the first instance.

SEC. 11. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment;

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of the program, unless the employee is customarily engaged in work of less than seven days' duration;

(c) The hiring of an employee in any territory or possession of the United States, except Alaska and Hawaii;

(d) The hiring by a foreign, State, County, or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program;

(e) The hiring of a new employee for domestic service, or to the hiring of a new employee whose last regular employment was in domestic service;

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period;

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 12. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under the employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 13. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission

officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 14. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 15. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purpose of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 16. Representation. Nothing contained in the program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program. It shall not be interpreted as abrogating or invalidating any bona fide collective bargaining agreement, or contract of employment.¹

SEC. 17. General referral policies. No provision in the program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 18. Seniority. Workers referred or transferred in accordance with section 8 of this area stabilization agreement shall:

(a) Preserve and accrue their seniority rights with their home employer in the same manner and with the same qualifications provided either by union agreement or plant custom.

(b) Be re-employed by their home employer according to the seniority agree-

¹ In view of the other provisions of this plan, this provision has been construed as applicable only with respect to seniority or similar reemployment rights provided for in the agreements and contracts described in this provision.

ment or custom mentioned above providing they apply for re-employment within 40 days of either the date they terminate from the plant to which they first transferred or the date when the U. S. Government declares an end to the war emergency, whichever is sooner.

Workers transferred with statements of availability and later entering the armed forces under the Selective Service Act will have the same rights for re-employment with their home employer as provided in (a) and (b).

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has re-employment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

SEC. 19. Effective date. This program shall become effective as of October 15, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

WILL J. CRONIN, Jr.,
Area Director.

DAVID G. NAGLE,
Acting Regional Director.

APPENDIX A—ADDITIONAL CONTROLLED OCCUPATIONS

The following shall be considered additional controlled occupations:

(1) Occupations in which the demand for workers in the Area exceeds the available supply:

Auto mechanics.
Grinder operators.
Laborers.
Lathe operators.
Milling machine operators.
Truck and bus drivers.
Wire drawers.

[F. R. Doc. 44-14178; Filed, Sept. 13, 1944;
2:53 p. m.]

[Amdt. 1]

NEW HAVEN, CONN., AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the New Haven Area, dated October 15, 1943, is hereby amended as follows:

Section 9 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated August 12, 1944.

WILL J. CRONIN, Jr.,
Area Director.

Approved: August 26, 1944.

DAVID G. NAGLE,
Acting Regional Director.

[F. R. Doc. 44-14182; Filed, Sept. 13, 1944;
2:53 p. m.]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Biddeford, Maine, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11340).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referrals in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Effective date.

SECTION 1. Purpose. This employment stabilization program has been adopted in the Biddeford area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

SEC. 2. Definitions. As used in this employment stabilization program:

- (a) "Biddeford area" is comprised of the territory designated in Appendix A.
- (b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.
- (c) "State" includes Alaska, Hawaii, and the District of Columbia.
- (d) "New employee" means any individual who has not been in the employ-

ment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420).

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Biddeford area to be either

- (1) One of the category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or
- (2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "Additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission list of essential activities. (9 F.R. 3439)

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. Control of hiring and solicitation of workers. All hiring and solicitation of workers in, or for work in, the Biddeford area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. Authority and responsibilities of Management-Labor Committee. The Area Management-Labor War Manpower Committee for the Biddeford area is authorized to consider questions of policy, standards and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Biddeford area, shall encourage local initia-

tive and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essentially or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. Issuance of statements of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request

the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will re-employ the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form the words:

The employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release.

Sec. 9. Referral in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment

in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work, *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

Sec. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment, or

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is

customarily engaged in work of less than seven days' duration, or

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(d) The hiring by a foreign, State, county, or municipal government, or their political sub-divisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(g) The transfer of workers between agencies and departments of the Federal Government.

Sec. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

Sec. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

Sec. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

Sec. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Effective date. This program shall become effective as of October 11, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE BIDDEFORD AREA

The Biddeford Area is comprised of the territories included in the following cities and towns of York County, in the State of Maine: Acton, Alfred, Biddeford, Buxton, Cornish, Dayton, Hollis, Kennebunk, Kennebunkport, Lebanon, Limerick, Limington, Lyman, Newfield, North Kennebunkport, Old Orchard Beach, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro and Wells.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Biddeford area as additional controlled occupations:

Engine-lathe operator.
Turret lathe operator.
Vertical-turret lathe operator.
Milling-machine operator, II.
Shaper operator, I.
Planer operator, II.
Gear-generator operator.
Gear hobber operator.
Gear-shaper operator.
Cylindrical-grinder opr.
Internal-grinder opr.
Surface-grinder opr.
Sheet metal worker, II.
Sheet-metal lay-out man.
Welder, arc.
Hammersmith.
Tool grinder operator.
Tool grinder, I.
Wood chopper, II.
Lumberjack, II.
Burrer hand.
Turret lathe operator aut.
Milling mach. opr. auto.
Boring machine opr. auto.
Radial-drill press opr.
Screw-machine opr. semi-auto.

Screw-machine operator, auto.
Lapping machine operator.
Centerless grinder opr.
Thread grinder.
Cylindrical grinder opr., II.
Internal grinder, opr., II.
Floor assembler.
Gager, I.
Weaver, IV.
Auto mechanic.
Card grinder.
Picker tender.
Drawing frame tender.
Speeder tender.
Card tender.
Napper tender.
Spinner frame.
Mult. spindle drill press opr.
Doffer II.
Battery hand.
Comber tender.
Yarn winder.
Coater, IX (textile).
Dyeing mach. tender, III.
Fireman, low pressure.
Make-up man, V.
Cylinder pressman.
Ball warper tender.
Slasher tender.
Warp-tying machine tender.
Dye-weigher, II.
Cotton classer.
Machine fixer, III.
Dye-can operator.
Dry cans operator.
Smash hand.
Mixing and blending operator.
Mule spinners.
Mule fixers.
Filtration plant operator.
Printers, block and stencils.

GLEN R. CHENEY,
Asst. Area Director.

Approved:

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14243; Filed, Sept. 14, 1944;
2:37 p. m.]

[Amdt. 1]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Biddeford, Maine, area dated October 11, 1943, is hereby amended as follows:

Section 10 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated: September 7, 1944.

GLEN R. CHENEY,
Assistant Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14244; Filed, Sept. 14, 1944;
2:37 p. m.]

[Amdt. 2]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Biddeford, Maine, area dated Oc-

tober 11, 1943, is hereby amended as follows:

1. Section 2 (f) is hereby amended by inserting after the words "Biddeford area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Biddeford area with the approval of the Regional Director to be either

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Biddeford area," so that the same shall read as follows:

SEC. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and Government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

3. Section 8 is hereby amended by deleting paragraph (c) in its entirety, and making paragraph (d) of said section, paragraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said subparagraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in case of under-utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

(b) The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in paragraph (c) enclosed in parentheses, so that said paragraph shall read as follows:

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the second line and inserting the phrase "in violation of this program" and by striking out paragraphs (a) and (b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out paragraph (g) in its entirety, and by striking out the following "or" and substituting a period.

8. Section 16 is hereby amended by adding the following, which shall be identified as paragraph (b), so that the whole section shall read as follows:

SEC. 16. *Hiring.* (a) The decision to hire or refer a worker shall be based on the qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) The Area Manpower Director may fix for all or any establishments in the Biddeford area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

(c) The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

9. Appendix B is hereby amended by inserting after the words "Biddeford area" the phrase, "with the approval of the Regional Director", so that the same shall read as follows:

The following have been designated by the Area Manpower Director for the Biddeford area, with the approval of the Regional

No. 186—5

Director, as Additional Controlled Occupations.

Dated: September 7, 1944.

GLEN R. CHENEY,
Assistant Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14245; Filed, Sept. 14, 1944;
2:38 p. m.]

[Amdt. 3]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Biddeford, Maine, area dated October 11, 1943, is hereby amended as follows:

1. Section 2 is hereby amended by adding the following paragraph (j):

(j) Part-time worker means any worker not available for full-time employment or for employment of thirty (30) hours per week or more.

2. Section 10, paragraph (e), previously adopted by Amendment No. 1, is hereby amended to read as follows:

(e) When the new employee is a male worker sixteen (16) years of age or over to be employed in an establishment employing eight (8) or more workers except that the provisions of this sub-section shall not apply to part-time workers as defined; or to professional workers, allocated by Procurement and Assignment Service, to include physicians, dentists, veterinarians, and sanitary engineers.

Dated: September 7, 1944.

GLEN R. CHENEY,
Assistant Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14246; Filed, Sept. 14, 1944;
2:38 p. m.]

[Amdt. 4]

BIDDEFORD, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The employment stabilization program for the Biddeford, Maine, area dated October 11, 1943 is hereby amended as follows:

1. Section 13 is hereby amended by deleting the present section as previously adopted and by substituting in lieu thereof the following section:

SEC. 13. *Appeals.* Any person who claims that any action taken, action denied, or decision rendered with respect to him, with respect to his employer, or with respect to any of his workers under this employment stabilization program,

is unfair or unreasonable as applied to him or is inconsistent with these or other applicable policies and standards or with applicable regulations or programs, may appeal from such action or decision in accordance with War Manpower Commission regulations governing appeals.

2. Section 18 is hereby amended by inserting the designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 7, 1944.

GLEN R. CHENEY,
Assistant Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14247; Filed, Sept. 14, 1944;
2:38 p. m.]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following Employment Stabilization Program for the Lewiston, Maine Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11340).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referrals in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Lewiston Area, with the approval

of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

- (a) "Lewiston Area" is comprised of the territory designated in Appendix A.
- (b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420).

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Lewiston Area to be either:

- (1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or
- (2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities. (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Lewiston Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of management-labor committee.* The Area Management-Labor War Manpower Committee for the Lewiston Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of the committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Lewiston Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions, and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

SEC. 6. *General.* A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

SEC. 7. *Issuance of statements of availability by employers.* An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approval by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

SEC. 8. *Issuance of statements of availability by United States Employment Service.* (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will re-employ the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of

seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form the words: "The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release."

SEC. 9. Referral in case of under utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort, the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

SEC. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to be made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration, and provided further that such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

SEC. 11. Hiring contrary to the program. An employer shall, upon written

request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or

(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. Exclusions. No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment, or

(b) The hiring of a new employee for work of less than seven days' duration or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(d) The hiring by a foreign, State, county, or municipal government, or their political sub-divisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political sub-division or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. Appeals. Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program, in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. Statements of availability. A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation, or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made acces-

sible to the Area Manpower Director or his representative upon request.

SEC. 15. Solicitation of workers. No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. Hiring. The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purpose of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. Representation. Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. General referral policies. No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. Effective date. This program shall become effective as of October 7, 1943, and is in substitution for and supercedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE LEWISTON AREA

The Lewiston Area is comprised of the territories included in the following cities and towns in the State of Maine.

(a) In Androscoggin County: Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Turner, Wales, Webster, and

(b) In Oxford County: Buckfield, Hebron, Norway, Oxford, Paris, and

(c) In Franklin County: Jay.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Lewiston Area as additional controlled occupations:

Weaver.
Spooler.
Winder.
Battery hand.
Slasher tender.
Picker tender.

Frame spinner.
Mule spinner.
Card stripper.
Comber tender.
Drawing frame tender.
Slubber tender.
Card tender.
Kier boiler.
Dyer (textile manufacturing).
Range operator (textile finishing).
Sanforizing machine operator.
Assembler (shoe manufacturing).
Niggerhead operator.
Bed laster.
Automobile mechanic.
Molder, rubber.
Cupola tender.
Die polisher (nonferrous metal processing).
Swager.
Sinterer.
Wire drawer and annealer.
Lumberjack.
Truck driver (heavy).
Machine operator, woodworking.
Littleway lock stitcher.

J. B. EHRENFRIED,
Deputy Area Director.

Approved:

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14248; Filed, Sept. 14, 1944;
2:39 p. m.]

[Amdt. 1]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Lewiston, Maine, Area dated October 11, 1943, is hereby amended as follows:

Section 10 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated: September 7, 1944.

J. B. EHRENFRIED,
Deputy Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14249; Filed, Sept. 14, 1944;
2:39 p. m.]

[Amdt. 2]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Lewiston, Maine, Area dated October 11, 1943, is hereby amended as follows:

1. Section 2 (f) is hereby amended by inserting after the words "Lewiston Area" in the second line, the words "with the approval of the Regional Director" and by inserting the same phrase after the word "Director" so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the

Area Manpower Director for the Lewiston Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in the Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix C and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words, "all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Lewiston Area," so that the same shall read as follows:

SEC. 5. *Encouragement of local initiative and use of existing hiring channels.* The War Manpower Commission shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and Government Agencies. This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

3. Section 8 is hereby amended by deleting paragraph (c) in its entirety, and making paragraph (d) of said section, paragraph (c), and adding the following sentence after the word "employment" at the end of the first paragraph of said paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended by changing the title from "Referral in Case of Under-Utilization" to "Referral by the United States Employment Service" and adding the following as the second paragraph thereof:

(b) The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 is hereby amended by deleting the words in paragraph (c) enclosed in parentheses, so that said paragraph shall read as follows:

(c) the new employee has not lived or worked in the locality of the new employment throughout the preceding 20-day period, or

6. Section 11 is hereby amended by striking out the comma after the word "hired" in the second line and inserting the phrase "in violation of this program" and by striking out paragraphs (a) and

(b) of said section so that the same shall read as follows:

SEC. 11. *Hiring contrary to the program.* An employer shall upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by striking out paragraph (g) in its entirety, and by striking out the following at the end of paragraph (f) " , or" and substituting a period.

8. Section 16 is hereby amended by adding the following, which shall be identified as paragraph (b), so that the whole section shall read as follows:

SEC. 16. *Hiring.* (a) The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) The Area Manpower Director may fix for all or any establishments in the Lewiston Area fair and reasonable employment ceilings and allowances, limiting the number of employees or other specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishment if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

(c) The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, Rules and Regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

9. Appendix B is hereby amended by inserting after the words "Lewiston Area" the phrase, "with the approval of the Regional Director", so that the same shall read as follows:

The following have been designated by the Area Manpower Director for the Lewiston Area, with the approval of the Regional Director, As Additional Controlled Occupations.

Dated: September 7, 1944.

J. B. EHRENFRIED,
Deputy Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14250; Filed, Sept. 14, 1944;
2:40 p. m.]

[Amdt. 3]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Lewiston, Maine, Area dated October 11, 1943, is hereby amended as follows:

1. Section 2 is hereby amended by adding the following paragraph:

(j) "Part-time worker" means any worker not available for full-time employment or for employment of thirty (30) hours per week or more.

2. Section 10, paragraph (e), previously adopted by Amendment No. 1, is hereby amended to read as follows:

(e) When the new employee is a male worker sixteen (16) years of age or over to be employed in an establishment employing eight (8) or more workers except that the provisions of this subsection shall not apply to part-time workers as defined, or to professional workers, allocated by procurement and assignment service, to include physicians, dentists, veterinarians, and sanitary engineers.

Dated: September 7, 1944.

J. B. EHRENFRIED,
Deputy Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14251; Filed, Sept. 14, 1944;
2:40 p. m.]

[Amdt. 4]

LEWISTON, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Lewiston, Maine Area dated October 11, 1943, is hereby amended as follows:

1. Section 13 is hereby amended by deleting the present section as previously adopted and by substituting in lieu thereof the following section:

SEC. 13. *Appeals.* Any person who claims that any action taken, action denied, or decision rendered with respect to him, with respect to his employer, or with respect to any of his workers under this employment stabilization program, is unfair or unreasonable as applied to him or is inconsistent with these or other applicable policies and standards or with applicable regulations or programs, may appeal from such action or decision in accordance with War Manpower Commission Regulations governing appeals.

2. Section 13 is hereby amended by inserting the designation (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may

adopt certain standards of priority referral of workers to be followed by the United States Employment Service Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 7, 1944.

J. B. EHRENFRIED,
Deputy Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14252; Filed, Sept. 14, 1944;
2:40 p. m.]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The following employment stabilization program for the Portland, Maine, Area is hereby prescribed, pursuant to § 907.3 (g) of War Manpower Commission Regulation No. 7, "Governing Employment Stabilization Programs," effective August 16, 1943 (8 F.R. 11338).

Sec.

1. Purpose.
2. Definitions.
3. Control of hiring and solicitation of workers.
4. Authority and responsibilities of Management-Labor Committee.
5. Encouragement of local initiative and use of existing hiring channels.
6. General.
7. Issuance of statements of availability by employers.
8. Issuance of statements of availability by United States Employment Service.
9. Referrals in case of under-utilization.
10. Workers who may be hired only upon referral by the United States Employment Service.
11. Hiring contrary to the program.
12. Exclusions.
13. Appeals.
14. Statements of availability.
15. Solicitation of workers.
16. Hiring.
17. Representation.
18. General referral policies.
19. Effective date.

SECTION 1. *Purpose.* This employment stabilization program has been adopted in the Portland Area, with the approval of the Regional Director. Its purpose is to assist the War Manpower Commission in bringing about, by measures equitable to labor and management and necessary for the effective prosecution of the war:

- (a) The elimination of wasteful labor turnover in essential activities,
- (b) The reduction of unnecessary labor migration,
- (c) The direction of the flow of scarce labor where most needed in the war program,
- (d) The maximum utilization of manpower resources.

SEC. 2. *Definitions.* As used in this employment stabilization program:

(a) "Portland Area" is comprised of the territory designated in Appendix A.

(b) "Agriculture" means those farm activities carried on by farm owners or tenants on farms in connection with the cultivation of the soil, the harvesting of crops, or the raising, feeding, or management of livestock, bees and poultry, and shall not include any packing, canning, processing, transportation or marketing of articles produced on farms unless performed or carried on as an incident to ordinary farming operations as distinguished from manufacturing or commercial operations.

(c) "State" includes Alaska, Hawaii, and the District of Columbia.

(d) "New employee" means any individual who has not been in the employment of the hiring employer at any time during the preceding 30-day period. For the purpose of this definition, employment of less than seven days' duration and employment which is supplemental to the employee's principal work shall be disregarded.

(e) "Critical occupation" means any occupation designated as a critical occupation by the Chairman of the War Manpower Commission. (See War Manpower List of Critical Occupations, 8 F.R. 11420).

(f) "Additional controlled occupation" means any occupation found by the Area Manpower Director for the Portland Area to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such Area, or

(2) An occupation in which the demand for workers in such Area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B. and may be amended from time to time by the Area Manpower Director.

(g) "Essential activity" means any activity included in the War Manpower Commission List of Essential Activities (9 F.R. 3439).

(h) "Locally needed activity" means any activity approved by the Regional Manpower Director as a locally needed activity.

(i) The terms "employment" and "work" as applied to an individual engaged in principal and supplementary employment means his principal employment.

SEC. 3. *Control of hiring and solicitation of workers.* All hiring and solicitation of workers in, or for work in, the Portland Area shall be conducted in accordance with this employment stabilization program.

This shall include any hiring or solicitation, whether conducted within or outside the area, if the work is to be performed within the area.

SEC. 4. *Authority and responsibilities of Management-Labor Committee.* The

Area Management-Labor War Manpower Committee for the Portland Area is authorized to consider questions of policy, standards, and safeguards in connection with the administration of this employment stabilization program, and to make recommendations concerning the same to the Area Manpower Director.

It shall be the responsibility of this committee to hear and decide appeals or to delegate such responsibility to an Area Appeals Committee in accordance with regulations of the War Manpower Commission governing appeals.

Sec. 5. Encouragement of local initiative and use of existing hiring channels. The War Manpower Commission, all employers of labor, including the United States Civil Service Commission, and all labor organizations within the Portland Area, shall encourage local initiative and cooperative efforts to the end that the maximum use shall be made of existing hiring channels, such as private employers, labor organizations, professional organizations, schools, colleges, technical institutions and government agencies.

This section shall not be interpreted or deemed to be a waiver of any of the provisions of this program.

Sec. 6. General. A new employee, who during the preceding 60-day period was engaged in an essential or locally needed activity, may be hired only if such hiring would aid in the effective prosecution of the war. Such hiring shall be deemed to aid in the effective prosecution of the war only if:

(a) Such individual is hired for work in an essential or locally needed activity or for work to which he has been referred by the United States Employment Service, and

(b) Such individual presents a statement of availability from his last employment in an essential or locally needed activity, or is referred by the United States Employment Service of the War Manpower Commission, or is hired with its consent, as provided herein.

Sec. 7. Issuance of statement of availability by employers. An individual whose last employment is or was in an essential or locally needed activity shall receive a statement of availability from his employer if:

(a) He has been discharged, or his employment has been otherwise terminated by his employer, or

(b) He has been laid off for an indefinite period, or for a period of seven or more days, or

(c) Continuance in his employment would involve undue personal hardship, or

(d) Such employment is or was at a wage or salary or under working conditions below standards established by State or Federal law or regulation, or

(e) Such employment is or was at a wage or salary below a level established or approved by the National War Labor Board (or other agency authorized to adjust wages or approve adjustments thereof) as warranting adjustment, and the employer has failed to adjust the

wage in accordance with such level or to apply to the appropriate agency for such adjustment or approval thereof.

Sec. 8. Issuance of statements of availability by United States Employment Service. (a) A statement of availability shall be issued promptly to an individual when any of the circumstances set forth in section 7 is found to exist in his case. If the employer fails or refuses to issue a statement of availability to an individual entitled to such statement, the United States Employment Service of the War Manpower Commission, upon finding that the individual is entitled thereto, shall issue a statement of availability to the individual. Pending such finding the United States Employment Service shall either request the worker to remain on his present job, or to return to it in instances where the worker has voluntarily terminated his employment.

When none of the circumstances set forth in section 7 is found to exist in an individual's case, the United States Employment Service shall attempt to persuade such individual to return to his former employment in an essential or locally needed activity providing the employer will re-employ the worker without prejudice.

(b) A statement of availability shall be issued by the United States Employment Service to any individual in the employ of an employer who the War Manpower Commission finds, after notice, hearing and final decision, has not complied with any War Manpower Commission Employment Stabilization Program, regulation, or policy, or has not made a reasonable effort to comply with a recommendation of a duly authorized representative of the War Manpower Commission with respect to the more effective utilization of labor and for so long as such employer continues his non-compliance after such finding.

An employer who continues to be in non-compliance after notice, hearing and final decision, may not hire any new employee, whether or not such person has a statement of availability.

(c) A statement of availability shall be issued by the United States Employment Service to an individual upon his request, when it is found that he has received from a former employer with whom he has reemployment rights under an existing collective bargaining agreement a notice that he must return to his former employment in order to preserve his seniority status.

(d) A temporary statement of availability, valid for a period not in excess of 60 days, may be issued by the United States Employment Service to an individual at his request, who because of seasonal or temporary lay-off is not employed at his customary work. In such cases, an employer may hire such a worker for the period designated in the temporary statement of availability and shall release such worker at the end of such period. Upon release of such a worker, the employer shall not issue a statement of availability to him but shall instruct him to return to his former employment.

A temporary statement of availability shall contain in addition to the provisions of the regular form the words: "The Employer hiring the above-named worker shall not retain such worker in his employ after _____ and shall not issue a statement of availability to such worker upon his release."

Sec. 9. Referrals in case of under-utilization. If an individual is employed at less than full time or at a job which does not utilize his highest recognized skill for which there is a need in the war effort the United States Employment Service may, upon his request, refer him to other available employment in which it finds that the individual will be more fully utilized in the war effort.

Sec. 10. Workers who may be hired only upon referral by the United States Employment Service. Under the circumstances set forth below, a new employee may not be hired solely upon presentation of a statement of availability, but may be hired only upon referral by, or in accordance with arrangements with, the United States Employment Service:

(a) The new employee is to be hired for work in a critical occupation, or his statement of availability indicates that his last employment was in a critical occupation, or

(b) The new employee is to be hired for work in an additional controlled occupation (see Appendix B) or his statement of availability indicates that his last employment was in such an occupation, or

(c) The new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period (in such cases the local office of the United States Employment Service shall require that the worker obtain a statement of availability from the local office of the United States Employment Service, serving the locality where such worker was most recently employed, except that the latter local office may delegate authority to issue a statement of availability to such a worker in a specific case to the office where the referral is to made), or

(d) The new employee's last regular employment was in agriculture and he is to be hired for non-agricultural work: *Provided*, That no such individual shall be referred to non-agricultural work except after consultation with a designated representative of the War Food Administration: *And provided further*, That such an individual may be hired for non-agricultural work for a period of not to exceed six weeks without referral or presentation of a statement of availability.

Sec. 11. Hiring contrary to the program. An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired,

(a) In violation of this program, or
(b) Upon referral by the United States Employment Service, if such referral resulted from any misrepresentation on the part of such worker when otherwise a referral would not have been made.

SEC. 12. *Exclusions.* No provision of this employment stabilization program shall be applicable to:

(a) The hiring of a new employee for agricultural employment, or

(b) The hiring of a new employee for work of less than seven days' duration, or for work which is supplementary to the employee's principal work; but such work shall not constitute the individual's "last employment" for the purposes of this program, unless the employee is customarily engaged in work of less than seven days' duration, or

(c) The hiring of an employee in any Territory or possession of the United States, except Alaska and Hawaii, or

(d) The hiring by a foreign, State, county or municipal government, or their political subdivisions or their agencies and instrumentalities, or to the hiring of any of their employees, unless such foreign, State, county, or municipal government or political subdivision or agency or instrumentality has indicated its willingness to conform, to the maximum extent practicable under the Constitution and laws applicable to it, with the program, or

(e) The hiring of a new employee for domestic service or to the hiring of a new employee whose last regular employment was in domestic service, or

(f) The hiring of a school teacher for vacation employment or the rehiring of a school teacher for teaching at the termination of the vacation period, or

(g) The transfer of workers between agencies and departments of the Federal Government.

SEC. 13. *Appeals.* Any worker or employer may appeal from any act or failure to act by the War Manpower Commission under this employment stabilization program in accordance with regulations and procedures of the War Manpower Commission.

SEC. 14. *Statements of availability.* A statement of availability issued to an individual pursuant to this program shall contain only the individual's name, address, social security account number, if any, the name and address of the issuing employer, or War Manpower Commission officer and office, the date of issuance, a statement as to whether or not the individual's last employment was in a critical occupation or in an additional controlled occupation, and such other information not prejudicial to the employee in seeking new employment as may be authorized or required by the War Manpower Commission.

Statements of availability received by any employer pursuant to this program shall be retained during the continuance of this program and for a reasonable time thereafter. They shall be made accessible to the Area Manpower Director or his representative upon request.

SEC. 15. *Solicitation of workers.* No employer shall advertise or otherwise solicit for the purpose of hiring any individual if the hiring of such an individual would be subject to restrictions under this employment stabilization program, except in a manner consistent with such restrictions.

SEC. 16. *Hiring.* The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

The Federal Government shall be considered as a single essential employer for the purposes of this program, and all hiring for departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

SEC. 17. *Representation.* Nothing contained in this program shall be construed to restrict any individual from seeking the advice and aid of, or from being represented by, the labor organization of which he is a member or any other representative freely chosen by him, at any step in the operation of the program.

SEC. 18. *General referral policies.* No provision in this program shall limit the authority of the United States Employment Service or any other governmental agency designated by the War Manpower Commission to make referrals in accordance with approved policies and instructions of the War Manpower Commission.

SEC. 19. *Effective date.* This program shall become effective as of October 11, 1943, and is in substitution for and supersedes the employment stabilization plan in effect prior to such date. It shall, subject to such amendments as the War Manpower Commission may promulgate, continue in effect for six months following the termination of the war, unless sooner terminated by the War Manpower Commission.

APPENDIX A—DESIGNATION OF THE PORTLAND AREA

The Portland Area is comprised of the following list of territorial subdivisions of the State of Maine.

(a) All of Cumberland County except the towns of Brunswick and Harpswell; and

(b) The following towns in Oxford County: Brownfield, Denmark, Fryeburg, Hiram, Lovell, Porter, Stoneham, Stow, Sweden and Waterford.

APPENDIX B—ADDITIONAL CONTROLLED OCCUPATIONS

The following have been designated by the Area Manpower Director for the Portland Area as additional controlled occupations:

Acetylene burner.
Automobile mechanic.
Boilermaker's helper.
Brakeman (railroad).
Chipper.
Driller.
Drill press opr. (heavy).
Drop hammer opr. (forging).
Engine lathe opr.
Galvanizer.
Heater (forge).
Job setter (forging).
Job setter (machine).
Machine maintenance man.
Planer operator.
Shaper operator.
Shipfitter's helper.
Straightener.
Telegrapher (railroad).

Turret lathe operator.
Welder, arc.
Welder, tack.

WILLIAM R. CROWELL,
Area Director.

Approved:

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14253; Filed, Sept. 14, 1944;
2:35 p. m.]

[Amdt. 1]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Portland, Maine, area dated October 11, 1943, is hereby amended as follows:

Section 10 of said program is hereby amended by adding the following new paragraph:

(e) The new employee is a male worker.

Dated: September 7, 1944.

WILLIAM R. CROWELL,
Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Administrator.

[F. R. Doc. 44-14254; Filed, Sept. 14, 1944;
2:36 p. m.]

[Amdt. 2]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Portland, Maine, Area dated October 11, 1943, is hereby amended as follows:

1. Section 2 (f) of said program is hereby amended by inserting the phrase, "with the approval of the Regional Director", in the opening paragraph after the words "Portland Area" and after the word, "Director" in the last paragraph, so that the same shall read as follows:

(f) "Additional controlled occupation" means an occupation found by the Area Manpower Director for the Portland Area with the approval of the Regional Director to be either:

(1) One of a category of occupations in an activity in which manpower shortages threaten critically needed production in such area, or

(2) An occupation in which the demand for workers in such area exceeds the available supply.

A list of the "additional controlled occupations" designated by the Area Manpower Director is attached to this program as Appendix B and may be amended from time to time by the Area Manpower Director with the approval of the Regional Director.

2. Section 5 is hereby amended by deleting the words starting in the first line, "all employers of labor, including the

United States Civil Service Commission, and all labor organizations within the Portland Area".

3. Section 8 (c) is deleted in its entirety, and paragraph (d) is designated as paragraph (c). This latter paragraph is amended by adding the following sentence after the word, "employment" at the end of the first paragraph: "Nothing in this section shall be construed to supersede the provisions of section 10 (d)."

4. Section 9 is hereby amended as follows:

The title of this section is changed from "*Referral in case of under-utilization*" to "*Referral by the United States Employment Service*".

The following paragraph is added to section 9:

The United States Employment Service shall, upon the request of an individual, refer him to a former employer when it is found that he has received from such employer with whom he has reemployment rights under an existing collective bargaining agreement, a notice that he must return to his former employment in order to preserve his seniority status.

5. Section 10 (c) is hereby amended by deleting that part of this subsection which is enclosed in parentheses so that paragraph (c) shall read as follows:

(c) the new employee has not lived or worked in the locality of the new employment throughout the preceding 30-day period, or

6. Section 11 is revised to eliminate paragraph (b) and incorporate paragraph (a) in the opening paragraph so that it shall read:

Sec. 11. *Hiring contrary to the program.* An employer shall, upon written request of the United States Employment Service, promptly release from employment any worker hired in violation of this program.

7. Section 12 is hereby amended by the deleting of paragraph (g) in its entirety. Paragraph (f) is amended by striking out the following: "or" and substituting a period.

8. Section 16 is hereby amended so that same shall read as follows:

(a) The decision to hire or refer a worker shall be based on qualifications essential for performance of or suitability for the job, and shall be made without discrimination as to race, color, creed, sex, national origin, or except as required by law, citizenship.

(b) The Area Manpower Director may fix for all or any establishments in the Portland Area, fair and reasonable employment ceilings and allowances, limiting the number of employees or other

specified types of employees which such establishments may employ during specified periods. Such ceilings and allowances will be determined on the basis of the establishment's actual labor needs, the available labor supply, and/or the relative urgency of the establishment's products or services to the war effort. Except as authorized by the Area Manpower Director, no employer shall hire any new employee for work in such establishments if the hiring of such employee would result in such establishment's exceeding the employment ceiling or allowance currently applicable to it.

(c) The Federal Government shall be considered as a single essential employer for such purposes of this program, and all hiring for the departments and agencies of the Federal Government subject to the Civil Service Act, rules and regulations, shall be conducted by the U. S. Civil Service Commission which shall recruit in accordance with the policies of the War Manpower Commission.

10. Appendix B is hereby amended by inserting after the words, "Portland Area," "with the approval of the Regional Director", so that the same shall read as follows:

The following have been designated by the Area Manpower Director for the Portland Area, with the approval of the Regional Director, as Additional Controlled Occupations.

Dated: September 7, 1944.

WILLIAM R. CROWELL,
Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14255; Filed, Sept. 14, 1944;
2:36 p. m.]

[Amdt. 8]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Portland, Maine, Area dated October 11, 1943, is hereby amended as follows:

1. Section 2 is hereby amended by adding the following paragraph (j):

(j) Part-time worker means any worker not available for full-time employment or for employment of thirty (30) hours per week or more.

2. Section 10, paragraph (e), previously adopted by Amendment No. 1 is hereby amended to read as follows:

(e) When the new employee is a male worker sixteen (16) years of age or over to be employed in an establishment employing eight (8) or more workers except that the provisions of this sub-

section shall not apply to part-time workers as defined; or to professional workers, allocated by procurement and assignment service, to include physicians, dentists, veterinarians, and sanitary engineers.

Dated: September 7, 1944.

WILLIAM R. CROWELL,
Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14256; Filed, Sept. 14, 1944;
2:36 p. m.]

[Amdt. 4]

PORTLAND, MAINE, AREA

EMPLOYMENT STABILIZATION PROGRAM

The Employment Stabilization Program for the Portland, Maine, Area dated October 11, 1943 is hereby amended as follows:

1. Section 13 of said program is hereby amended by deleting the present section as previously adopted and by substituting in lieu thereof the following section:

SEC. 13. *Appeals.* Any person who claims that any action taken, action denied, or decision rendered with respect to him, with respect to his employer, or with respect to any of his workers under this employment stabilization program, is unfair or unreasonable as applied to him or is inconsistent with these or other applicable policies and standards or with applicable regulations or programs, may appeal from such action or decision in accordance with War Manpower Commission regulations governing appeals.

2. Section 18 of said program is hereby amended by inserting the (a) at the beginning of the section as previously adopted and by adding the following paragraph:

(b) The Area Manpower Director, after consultation with the Area Management-Labor War Manpower Committee to determine the degree necessary, may adopt certain standards of priority referral of workers to be followed by the United States Employment Offices located within the area. Such standards shall be consistent with the policies of the War Manpower Commission and a copy of such standards as are currently in force shall be maintained available for public inspection at each area and local employment office within the area.

Dated: September 7, 1944.

WILLIAM R. CROWELL,
Area Director.

Approved: September 7, 1944.

ARTHUR C. GERNES,
Regional Director.

[F. R. Doc. 44-14257; Filed, Sept. 14, 1944;
2:37 p. m.]